

#1-  
Dues  
58-75

JIMMIE STEPHEN  
#C-56483 / A-1149  
PO BOX 8101  
SAN LUIS OBISPO, CA 93409-0001

FILED

2008 MAY 27 PM 4: 28

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

NUNC PRO TUNC

MAY 23 2008

BY Rm DEPUTY

Court of UNITED STATES  
State of CALIFORNIA-SOUTHERN

CASE # CU-08-0709  
BTM(AJB)

JIMMIE STEPHEN  
Plaintiff

Defendant "RESPONSE" to "ORDER"  
to "SHOW CAUSE"  
W/HA

"SUPPLEMENTAL" "Forma Pauperis"  
UNDER 28. USC. 1915. "EVIDENCE"  
"DOCUMENTS" to support Plaintiff's  
"IMMEDIATE DANGER EXTENSION"  
Physical Injury Likelihood Evid-  
encing "Pattern of mistreatment"  
for "Access to Court"  
"IMMEDIATE MEDICAL CARE"

"BRAVO"

et al Defendants

Plaintiff Stephen hereby requests "Forma Pauperis"  
UNDER 28. USC 1915-G based upon "Pattern of mistreatment"  
"IMMEDIATE MEDICAL CARE" denial to support "IMMEDIATE"  
DANGER EXTENSION of Physical Injury Likelihood. "Ongoing"  
"FARRONS v WEST" 320.f3d.1235-6 (11th 2003).  
"MCALPIN v TONEY" 281.f3d.709-10-11 (8th 2002).  
"ANDREWS v CLEMENTS" 493.f3d.1047 (9th 2007).

Exhibits # 1-4.5-6  
FILE # 5-58-75

Exhibits 102..

PAGE # 5-30..

"Pattern of MISCONDUCT"

When arriving at CMC from Donnam at 3-27-07 Plaintiff has been subjected to an "ongoing" "Pattern" of MISCONDUCT willfully

- A.. withholding "Restorative League Newsletter" subscription "PLN" magazine since 6-1-07 ongoing.. willfully..
- B.. "League mail" withheld at Donnam since 5-1-07 up to 139 days.. willfully.. Exhibit # 5
- C.. "League Documents" destroyed at Donnam at 9-29-06 over "200 pages" willfully.. Exhibit # 102
- D.. "Denial of Right to work P.T.A" upon arrival "CMC" 3-27-07 withheld worked P.T.A at Donnam.. willfully..

E.. "Confiscating" "Restorative" Black civil rights" materials without due process of Law of 6-30-07 at CMC.. willfully with racist overtones..

Exhibit # 102

PAGE # 5-30

F.. "Confiscating" "radio" of "Hot Ast" of 3-27-07 as "Pattern" of MISCONDUCT willfully.. upon arrival "CMC"..

G.. as upon arrival at "Donnam" TV, Radio, CD Player headphones, etc confiscated at 9-16-03 willfully when "Donnam" stated not to confiscate 9-16-02..

H.. Plaintiff willfully "segmented" "retrofitted" for filing lawsuit, GUIDANCES, since 1995 withheld on 4-28-95 willfully segmented attacked, on 6-12-95 and 6-13-95 willfully set-up to be "MAIMED" "MURDERED" in segmentation. on 8-9-05 "segmented" willfully Plaintiff admitted the guilty findings as "ORDERED" RE-ISSUED, RETAINED" and

Exhibit # 2

Exhibits # 1-4-5-6  
PAGE # 5-58-75

AS of 5-15-08 "NOT RE-ISSUED" REFERRAL.  
 SIGNED 11-27-07 "MISSED" MR on 9-29-06  
 ATTACKED WHILE SITTING IN CHAIR AT "TYPEWRITER"  
 AND SIGNED FOR "108 DAYS" WILLIAMS. MARRIOTT.

I. UDON WRITE-UP of 8-9-05 WHENEVER "ORDERED"  
 "RE-ISSUED" REFERRAL "60 DAYS" of 6-14-07  
 WITHOUT DOE PROCESS.. EXHIBIT # 2

EXHIBITS # 304  
 PAGE # 31-58.

"INADEQUATE MEDICAL CARE"

- A.. Plaintiff SINCE 5-1-07 HAS BEEN TRYING TO RETRIEVE  
 "ADEQUATE MEDICAL" DO "PARTIAL" WHEN "DO"  
 "LEFT BACK TEETH FOR CHEWING" CAUSING "SORENESS" ON  
 LEFT BACK TOOTH AS ONLY TOOTH TO PROPERLY CHEW ON  
 WHENEVER A "CROWN" WAS PLACED AT CMC BUT NO PARTIALS  
 ABOUT 5-1-07.. WHENEVER BEEN WILLFULLY REFUSED BY  
 DENTIST TO DDC #3 INSTEAD of ORIGINAL "PRIORITY"  
 #2.. WHENEVER CONTACTED "PERSON LAW OFFICE" of 2-8-08 AT "CMC".
- B.. ON 2-26-07, of 2-9-07 SEEN "CHIEF MEDICAL OFFICER"  
 AT DONOVAN ON A TRANSFERRED TO "CMC" of 3-27-07
- C. CMC HAS A DUTY of "CONTAGIOUS DISEASES" BEING WILLFULLY  
 TRANSFERRED FROM PERSONAL to PERSONAL of 8-16-07, 3-27-07  
 BASED UDON "OVERCROWDING" ETC.. AT "CMC. EXHIBIT # 304
- D.. "OVERCROWDING" INADEQUATE MEDICAL CARE" AT "DONOVAN"

Exhibit # 304

DATE # 31-58.. HAS SUBJECTED PLAINTIFF TO "TUBERCULOSIS" at 5-1-05  
at Donalson.. and being sick constantly at CME  
based upon "EXERCISING" SINCE 3-27-07.. ONWARD..  
EXHIBIT # 304

E.. AS PLAINTIFF HAS BEEN SUBJECTED TO A "PATTERN" of  
"INADEQUATE MEDICAL, DENTAL" for "SERIOUS INJURY"  
SINCE "INMATE AND REMAND" by 9th CIRCUIT at  
1-11-95 and PRIOR to "INMATE AND REMAND" WILLKID..  
EXHIBIT # 4

IN "ANDREWS" IMMEDIATE DANGER EXCEPTION  
APPLIES AT "TIME OF FILING" AS "PATTERN" of MISCONDUCT  
HAS BEEN SHOWN SINCE 1995 ONWARD RE OF  
5-14-08..  
EXHIBIT # 2

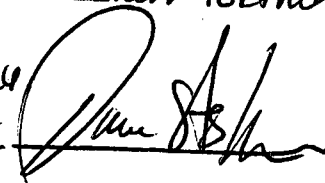
IN "WEST" A WILLFUL "DELIBERATE INTENT" for  
"RECKLESS DISREGARD" for "SERIOUS MEDICAL, DENTAL"  
FOR DENIAL OF "TEETH" PARTIAL SINCE 2005..  
AS WELL AS "MCDONALD"

"WOODS J SMITH" 60.F3A.1164 (5th 1995)..  
"HEIK J HUMPHREY" 512.US.477 (1990) "FALSE CHARGES" and  
Resolution not subjected to "DISMISSAL"..  
"ARHIEP J BILWORTH" 147.F3A.715 (8th 1998)..  
"RELIEF REQUESTED" EXHIBIT # 1-4-5-6

- 1.. "Colantini" former-Prisoner IMMEDIATE DANGER EXCEPTION forthwith.
- 2.. "Mr other relief do this Court."

DATE 5-19-08

TRUE PRISONER PRISON

SIGNATURE 

# Exhibit 1

upon arrival at "CME" ADD/INCE willfully  
 confiscated and stated came from JENSON  
 by EMPLOYEES of 3-27-07 as Pattern..

Pattern major

Plaintiff "Black Civil Rights" Documents willfully  
 confiscated DESTROYED of 6-30-07.. as Retaliation..  
 at CME..

Pattern)

upon arrival at Donovon of 9-16-03 Plaintiff  
 RADIO, TV, ect willfully confiscated against DIRECTOR  
 BAKER as Retaliation..

Pattern)

Plaintiff willfully DENIED Right to PARTICIPATE in PIA  
 at CME where WORKED PIA at Donovon of  
 3-27-07..

Pattern)

Plaintiff willfully WITHHELD of 6-6-07 for ALLEGED NOT  
 PARTICIPATING in EDUCATION where DIPLOMA AWARDED 4-7-08  
 OR WITHHELD to 4-7-08 willfully..

EXHIBIT 3

Exhibits # 1-4

PAGES # 5-58.75

ALLOWED CMC  
3-27-07

STATE OF CALIFORNIA  
DEPARTMENT OF CORRECTIONS AND REHABILITATION  
INMATE APPEALS BRANCH  
P. O. BOX 942883  
SACRAMENTO, CA 94283-0001

**DIRECTOR'S LEVEL APPEAL DECISION**

Date: AUG 28 2007

In re: Stephen, C-56483  
California Men's Colony  
P.O. Box 8101  
San Luis Obispo, CA 93409-8101

IAB Case No.: 0616489

Local Log No.: CMC 07-0750

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner J. G. Arceo, Facility Captain. All submitted documentation and supporting arguments of the parties have been considered.

**I APPELLANT'S ARGUMENT:** It is the appellant's position that on March 30, 2007, he received a hot pot from an approved vendor but Receiving and Release staff failed to issue it due to the electrical appliance restriction. He contends that he was advised to mail the hot pot home as he cannot have three electrical appliances. The appellant requests that three appliances be allowed per inmate pursuant to procedures and to be reimbursed for the hot pot if sent home.

**II SECOND LEVEL'S DECISION:** The reviewer found that the appellant's property card reveals that he possesses two electrical appliances, a radio and television (TV). The appellant was afforded the opportunity to turn in the radio or TV in order to keep the hot pot. Regardless of the item turned in the appellant will have to make the proper disposition of the remaining electrical appliance or staff will make it for him. The institution has followed departmental policy. The appellant's request for transfer to another institution so he can have three electrical appliances will not be addressed.

**III DIRECTOR'S LEVEL DECISION:** Appeal is denied.

**A. FINDINGS:** The institution has reported to the appellant that his issue regarding his transfer request will not be addressed. The appellant has not provided evidence that staff have misinterpreted departmental policy and procedures in this matter. According to the March 29, 2007, Electrical Appliance Restriction memorandum issued by Warden Marshall, the DOM 54030.10.6 has been amended to increase the electrical appliance limitation to three; however, this increase does not apply to CMC due to the physical plant restraints. No relief at the Director's Level of Review is required.

**B. BASIS FOR THE DECISION:**

CCR: 3190, 3191, 3192, 3193, 3287

DOM: 54030.1, 54030.3, 54030.10.6, 54030.10.6.1

**C. ORDER:** No changes or modifications are required by the institution.

This decision exhausts the administrative remedy available to the appellant within CDCR.



N. GRANNIS, Chief  
Inmate Appeals Branch

cc: Warden, CMC  
Appeals Coordinator, CMC



STATE OF CALIFORNIA  
DEPARTMENT OF CORRECTIONS AND REHABILITATION  
INMATE APPEALS BRANCH  
P. O. BOX 942883  
SACRAMENTO, CA 94283-0001

**DIRECTOR'S LEVEL APPEAL DECISION**

Date:

**JAN 28 2008**

In re:

Jimmie Stephen, C56483  
California Men's Colony  
P.O. Box 8101  
San Luis Obispo, CA 93409-8101

IAB Case No.: 0708517

Local Log No.: CMC-07-01562

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner D. L. Porter, Facility Captain. All submitted documentation and supporting arguments of the parties have been considered.

**I APPELLANT'S ARGUMENT:** It is the appellant's position that his property was inappropriately confiscated and disposed of by staff at the California Men's Colony (CMC). The appellant alleges that on June 30, 2007, Correctional Officer (CO) Castro "stole" his personal property. The appellant claims that the personal property consisted of black role model photographs, photographs, articles and one mirror. The appellant complains that he was not given the option to send the personal property home upon it being confiscated. The appellant requests on appeal to have staff referred to the Office of the District Attorney (DA). The appellant also requests to have a formal investigation conducted. Additionally, the appellant requests to be reimbursed in the amount of \$300.00 in damages and provided other relief.

**II SECOND LEVEL'S DECISION:** The reviewer found that a comprehensive and thorough review of the appellant's appeal was conducted. The institution states that a review shows that it was not CO Castro who searched the appellant's assigned cell (1149) on June 30, 2007. Rather it was CO D. C. Castillo. The institution also states that a review of the CMC Form 214, Cell Search Property Receipt/Notice, revealed that during a random cell search on the above date, CO Castillo impounded excess state sheets from the appellant's assigned cell and subsequently returned them back to the clothing distribution room for washing and reissue. Additionally, he impounded one envelope of "literature."

On July 29, 2007, Correctional Sergeant (Sgt.) J. Culbreath interviewed the appellant, wherein the appellant restated his position that the officer "stole" his personal property and then destroyed it without allowing him the opportunity to send it home at his own expense. Research of the appellant's claims revealed that the impounded envelope was forwarded to the Institutional Gang Investigator (IGI) for review. The material was impounded by CO Castillo, as it appeared to be "gang related," and not only was considered contraband, but could further assist the CMC and CDCR with needed information regarding prison gangs. The appellant was informed by Sgt. Culbreath that he needed to send a "Request for Interview" to the IGI, who would be more than happy to discuss the matter with the appellant.

Additionally, in making contact with the IGI, it was discovered that the material the appellant claims CO Castillo "stole" is in their possession. The material has been reviewed by the IGI and has been officially deemed as "Gang Related Material." As a result, the appellant's gang related activities are being looked into by the IGI. The material is now considered impounded and none of it will be returned to the appellant. There were no personal property items in the impounded envelope. Therefore, there are no personal property issues surrounding the appellant's appeal. The appellant was informed that if he had further concerns regarding this matter, to once again, contact the IGI via the "Request for Interview" process. The appeal was denied at the Second Level of Review (SLR).

**III DIRECTOR'S LEVEL DECISION:** Appeal is denied.

**A. FINDINGS:** The documentation and arguments presented are persuasive that the appellant has failed to support his appeal issue with sufficient evidence or fact to warrant a modification of the SLR. The institution acted correctly and under the proper authority when confiscating the appellant's gang related property for investigative purposes. The issue in this case is not whether the appellant had

JIMMIE STEPHEN, C56483

CASE NO. 0708517

PAGE 2

through legitimate means possessed the property item(s), but that the property item(s) were evidence of gang activity, thus subjecting it to seizure as contraband. There is no cause to intervene at the DLR.

**B. BASIS FOR THE DECISION:**

California Code of Regulations, Title 15, Section: 3000, 3001, 3006, 3023, 3193, 3270, 3287, 3378

**C. ORDER:** No changes or modifications are required by the institution.

This decision exhausts the administrative remedy available to the appellant within CDCR. If dissatisfied, the appellant may forward this issue to the California Victims Compensation and Government Claims Board, (formerly known as the State Board of Control), Government Claims Unit, P.O. Box 3035, Sacramento, CA 95812-3035, for further review.



N. GRANNIS, Chief  
Inmate Appeals Branch

cc: Warden, CMC  
Appeals Coordinator, CMC



State of California

Department of Corrections and Rehabilitation



# Memorandum

**Date** : July 30, 2007

**To** : Inmate Stephen, Jimmie  
C-56483  
California Men's Colony, East Room 1149

**Subject** : CMC EAST APPEAL LOG # CMC-E-07-01562  
**FIRST LEVEL REVIEW**

**ACTION REQUESTED:** For D.A. referral for theft, that an investigation be conducted, for relief for the destruction of your personal property and reimbursement of \$300.00 for property.

## APPEAL DENIED

A review of your appeal has been completed. Your complaint, including requested remedial action, has received careful consideration. On July 29, 2007, I interviewed you regarding this appeal. In your appeal you contend that Officer Castillo stole your personal property and destroyed it without offering you the opportunity to send it home at your own expense as outlined in the Departmental Operations Manual (DOM). On July 26, 2007, I interviewed Officer Castillo in regards to your appeal. Officer Castillo informed me that he confiscated four bed sheets that were in excess to your allotted amount. In addition, Officer Castillo confiscated a scrapbook containing literature and photos containing possible gang related materials. This scrapbook was forwarded to the Investigative Services Unit (ISU) for the Institutional Gang Investigator's (IGI) review. I contacted the IGI, Lieutenant (Lt.) S. Martinez, in regards to the disposition of your scrapbook. Lt. Martinez informed me that they were still looking into the book and if you send an "Inmate Request for Interview" to their office, they will discuss with you the disposition of your property. Your request for a referral to the District Attorney's Office for theft is denied because your property was appropriately confiscated and documented on a Cell Search Property Receipt/Notice. Your request for an investigation is beyond the scope of the appeals process, and is therefore denied. Your request for relief for the destruction of your personal property is denied as your notebook is still intact and in possession by IGI. Your request for \$300.00 as compensation is also denied because your property was never destroyed as you claim.

  
J.B. CULBREATH  
A-QUAD SERGEANT  
CALIFORNIA MEN'S COLONY – EAST FACILITY

# Memorandum



Date: September 6, 2007

To: Stephen, Jimmie  
C-56483  
California Men's Colony

Subject: CMC APPEAL LOG #CMC-E-07-1562  
SECOND LEVEL REVIEW

ACTION REQUESTED: Refer Staff To District Attorney's Office; Conduct Formal Investigation;  
Be Reimbursed \$300.00 in Damages; Other Relief

A review of your appeal has been completed. Your complaint, including requested remedial action, has received careful consideration. You allege that on June 30, 2007, Correctional Officer Castro stole your personal property. This personal property consisted of black role models, photos, articles and one mirror. You were not given the option to send the personal property home, upon it being confiscated.

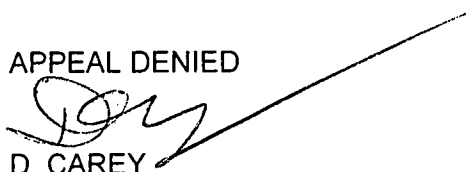
Review shows that it was not C/O Castro who searched your assigned cell (1149) on June 30, 2007. Rather it was C/O D.C. Castillo. Review of the CMC-214 (Cell Search Property Receipt/Notice) reveals that during a random cell search on the above date, C/O Castillo impounded excess state sheets from your assigned cell and subsequently returned them back to the clothing distribution for washing and reissue. Additionally, he impounded one envelope of "literature".

You were interviewed by Correctional Sergeant (Sgt.) J. Culbreath on July 29, 2007, wherein you restated your position that the officer "stole" your personal property and then destroyed it without allowing you the opportunity to send it home at your own expense. Research of your claims revealed that the impounded envelope was forwarded to the Institutional Gang Investigator (IGI) for review. The material was impounded by C/O Castillo, as it appeared to be "gang related" and not only was considered contraband, but could further assist CMC and CDCR with needed information regarding prison gangs. You were informed by Sgt. Culbreath that you needed to send a "Request For Interview" to the IGI, who would be more than happy to discuss the matter with you.

In making contact with the IGI, it was discovered that the material you claim C/O Castillo "stole" is in their possession. The material has been reviewed by IGI and has been officially deemed as "Gang Related Material." As a result, your gang related activities are being looked into by IGI. The material is now considered impounded and none of it will be returned to you. There were no personal property items in the impounded envelope. Therefore there are no personal property issues surrounding your appeal. If you have further concerns regarding this matter, you are once again instructed to contact IGI via the "Request For Interview."

As a result of the above, your requested remedial action has been denied at the second level.

APPEAL DENIED

  
D. CAREY  
Associate Warden  
A&B Housing

REVIEWED AND APPROVED

  
(4) JOHN MARSHALL  
Warden

**DATE:** October 17, 2003

**NAME:** Stephen, J

**CDC #:** C-56483

**APPEAL LOG #** 03-1222

**APPEAL DECISION:** DENIED

**SECOND LEVEL REVIEW**

**APPEAL ISSUE:** You are appealing the issue of not being permitted to keep your electronic appliances when you transferred to the Richard J. Donovan Correctional Facility, (RJDCF) because the only electronics accepted at the RJDCF have to have a clear secure plastic casing. Additionally, you want your appliances back or the money to replaced them.

**APPEAL RESPONSE:** Mr. Stephen, I have received and reviewed your Inmate/Parolee Appeal Form, CDC-602, Log #03-1222. In my investigation of this issue I have found that you arrive with electronic appliances that were not in compliance with Operational Plan #2 at the RJDCF. I spoke with Central Receiving and Release Correctional Sergeant E. Vizcarra concerning this appeal. Sergeant Vizcarra states that on October 17, 2003, at approximately 0807 hours, you were interviewed by him and were offered the options of mailing home the TV, radio and CD player, donating the TV, radio and CD player to the State, or having them destroyed. This addendum to Operational Procedure Plan #2, Inmate Property, APPLIANCES, went into effect December 13, 2000, approved by the Warden of this institutions. The California Code of Regulations, Title 15, Article 9, Personal Property, Section 3190, General Policy, (a) states, "Warden and superintendents shall establish a list of personal property items and the maximum amount of such items an inmate may have in his or her possession within the institution."

All California institutions were notified of this change before this addendum went into effect. Regardless of what institution you were at you would have to mail the electronic appliances home if you were not in compliance. Additionally, the RJDCF policy has previously been upheld in a court of law. The Office of W. A. Duncan, Deputy Director Institutions Division, has been notified and the institution is awaiting a response from Mr. Duncan's office for clarification on the issue.

Therefore, based on the aforementioned, this Inmate Appeal is **DENIED** at the Second Level of Review.

  
D. M. BARNES  
Chief Deputy Warden (A)

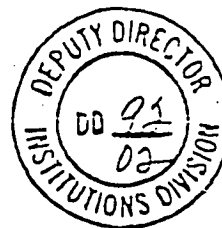
Department of Corrections

## Memorandum

Date : September 19, 2002

To : Wardens

Subject : CLEAR-CASE TECHNOLOGIES



CC: CSD  
C. [unclear] 9/23

In July of 1998, the Director of the Department of Corrections authorized wardens to restrict new purchases of inmate televisions, radios, and compact disks/cassette players to clear-case technology only. The Director did not set exact timeframes when the removal of the old solid-color electronic devices would be implemented. It is expected that more definition of the aforementioned timeframes and phased removal of existing solid-color electrical devices will be included in the forthcoming Property Regulations. Therefore, inmates will be allowed to retain the old style solid-color electrical devices pending adoption of those regulations. No effort shall be made at this time to require inmates to send the solid-color electrical devices home or require they dispose of them in some way if they transfer from one institution to another. In the interim, wardens may continue the practice of requiring that all new purchases of electronic devices be of the clear-case technology.

Should you have any questions regarding this issue please contact Ron Cappel, Administrative Assistant, Institutions Division, at (916) 322-6038.

*W. A. Duncan*  
W. A. DUNCAN  
Deputy Director  
Institutions Division

cc: Roderick Q. Hickman, Assistant Deputy Director, Operations and Programs  
George M. Galaza, Assistant Deputy Director, Community and Inmate Programs  
Ana Ramirez-Palmer, Regional Administrator-North  
Suzan L. Hubbard, Regional Administrator-South (A)  
E. Roe, Regional Administrator-Central

STATE OF CALIFORNIA  
DEPARTMENT OF CORRECTIONS AND REHABILITATION  
INMATE APPEALS BRANCH  
P. O. BOX 942883  
SACRAMENTO, CA 94283-0001

**DIRECTOR'S LEVEL APPEAL DECISION**

Date: DEC 13 2007

In re: Jimmie Stephen, C56483  
California Men's Colony  
P.O. Box 8101  
San Luis Obispo, CA 93409-8101

IAB Case No.: 0702827

Local Log No.: CMC-07-01391

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner R. Pennington Facility Captain. All submitted documentation and supporting arguments of the parties have been considered.

**I APPELLANT'S ARGUMENT:** It is the appellant's position that he has been inappropriately denied a job in the Prison Industry Authority (PIA). The appellant contends that he worked in the PIA at R.J. Donovan Correctional Facility and his transfer was non-adverse. The appellant has requested to be provided with the right to work in the PIA. The appellant contends that one arson does not make a person a threat, neither does his murder conviction.

**II SECOND LEVEL'S DECISION:** On July 5, 2007, the appellant appeared before Institution Classification Committee for his Second Level of Review (SLR). The appellant was informed that upon reviewing the appellant's central file established that the appellant was ineligible for a PIA position due to a history of arson. Review of the appellant's Criminal Identification and Information (rap sheet) indicates that he was arrested by the LAPD on May 19, 1984 for California Penal Code Section 451 Arson of Inhabited Structure/Property for which the appellant was convicted and sentenced to a seven year CDCR term. Pursuant with California Men's Colony (CMC) PIA policy, inmates with a previous arson conviction, or whose case contains the elements of arson and/or possession or use of explosive material shall be excluded from the PIA. The appellant received a conviction for an arson offense. The appellant's appeal was denied at the SLR.

**III DIRECTOR'S LEVEL DECISION:** Appeal is denied.

**A. FINDINGS:** The primary objectives of the correctional institutions are to protect the public by safely keeping person committed to the custody of the Director of Corrections, and to afford such persons with every reasonable opportunity and encouragement to participate in rehabilitative activities. Consistent effort will be made to insure the security of the institution and the effectiveness of the treatment programs within the framework of security and safety. The institution has taken the appropriate action and informed the appellant that based upon his prior conviction for arson he will not be permitted to obtain a job in the PIA. The requirement of custodial security and of staff, inmate and public safety must take precedence over all other considerations in the operation of all the programs and activities of the institutions of the department. The appellant has failed to provide any compelling information or evidence that would warrant a modification to the decision reached by the institution. Therefore, no relief will be provided to the appellant at the Director's Level of Review.

**B. BASIS FOR THE DECISION:**

California Code of Regulations, Title 15, Section: 3001, 3005, 3040, 3270, 3271, 3375, 3375.2, 3376, 3377.2, 3380

JIMMIE STEPHEN, C56483

CASE NO. 0702827

PAGE 2

C. ORDER: No changes or modifications are required by the Institution.

This decision exhausts the administrative remedy available to the appellant within CDCR.



N. GRANNIS, Chief  
Inmate Appeals Branch

cc: Warden, CMC  
Appeals Coordinator, CMC



STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT

TABE: 8.7

CDC NUMBER <b>C-56483</b>	INMATE'S NAME <b>STEPHEN, JIMMIE</b>	RELEASE/BOARD DATE <b>EDR 09-09-2011</b>	INST. <b>CMC-E</b>	HOUSING NO. <b>1149X</b>	LOG NO. <b>A-07-06-0464</b>
VIOLATED RULE NO(S). <b>3041(a) Performance</b>		SPECIFIC ACTS <b>REFUSING TO WORK</b>	LOCATION <b>EDUCATION OFFICE</b>	DATE <b>6/6/2007</b>	TIME <b>1450</b>
CIRCUMSTANCES					

At approximately 1450 hours, on 6/6/2007, Inmate STEPHEN (CDC# C-56483, Position# ABE-E.310, assignment hours, 0745-1115 / 1245-1545), refused to work in his Academic Education assignment, ABE-II/III, located in Room A-158, in the Control Corridor. Inmate STEPHEN stated that he "wouldn't do any work" in his Adult Basic Education (ABE-II/III) assignment. I asked Inmate STEPHEN if he was refusing to work, and he stated that he was. This is his First CDC-115. Due to the inmate's refusal to comply with the IWTIP requirements, as set forth in the CCR Title 15, it is requested that he be unassigned from his academic/vocational education assignment. Inmate STEPHEN is aware of this report. Inmate STEPHEN has a documented TABE Reading score of 8.7.

Dates of previous 115's: NONE

Dates of previous 128-A's: NONE

REPORTING EMPLOYEE (Typed Name and Signature) <b>M. CORNELIUS, ACADEMIC VICE PRINCIPAL</b>		DATE <b>6/7/2007</b>	ASSIGNMENT <b>ACADEMIC VICE PRINCIPAL</b>	RDO'S <b>S/S/H</b>
REVIEWING SUPERVISOR'S SIGNATURE <b>R. GREEN, PRINCIPAL</b>		DATE <b>6/7/2007</b>	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input checked="" type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> SERIOUS	OFFENSE DIVISION: <b>NA</b>	DATE <b>6-11-07</b>	CLASSIFIED BY (Typed Name and Signature) <b>TH LOOKER</b>	HEARING REFERRED TO <input checked="" type="checkbox"/> NO <input type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC
COPIES GIVEN INMATE BEFORE HEARING				
<input checked="" type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE) <b>K Silva</b>	DATE <b>6/11/07</b>	TIME <b>1500</b>	TITLE OF SUPPLEMENT <b>N/A</b>
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE) <b>N/A</b>	DATE <b>N/A</b>	TIME <b>N/A</b>	BY: (STAFF'S SIGNATURE) <b>N/A</b>

## HEARING

The hearing was convened at hours on 06-12-07. The hearing officer introduced himself to Inmate STEPHEN as Sergeant K. Silva. STEPHEN acknowledged receiving copies of the charges and all pertinent documents at least 24 hours prior to the hearing. STEPHEN was not assigned a staff assistant in accordance with CCR §3315(d)(2)(A)1,2,3; STEPHEN is not illiterate or Non-English speaking, the complexity of the issues are not such that assistance is necessary for STEPHEN to comprehend the nature of the charge or disciplinary process, and the nature of STEPHEN's need for assistance does not require a confidential relationship. Additionally, it is confirmed, STEPHEN has a T.A.B.E. score of 8.7, which precludes his assignment of a staff assistant. The purpose of the hearing was explained and the report was read aloud. STEPHEN stated he was in good health and ready to proceed with the hearing.

REFERRED TO ☐ CLASSIFICATION ☐ BPT/NAEA

ACTION BY: (TYPED NAME)

**K. Silva, Program Sergeant**

REVIEWED BY: (SIGNATURE) <b>TH LOOKER</b>	DATE <b>6-13-07</b>	SIGNATURE <b>K Silva</b>	DATE <b>06-12-07</b>
CHIEF DISCIPLINARY OFFICER'S SIGNATURE <b>K Silva</b>		DATE <b>6-15-07</b>	TIME <b>1530</b>
<input type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING		DATE <b>6/13/07</b>	TIME <b>1530</b>

CDC 115(7/88)

28

15

CDC NUMBER C-56483	INMATE'S NAME STEPHEN, JIMMIE	LOG NUMBER A-07-06-0464	INSTITUTION CMC-East	TODAY'S DATE 06-12-07
<input type="checkbox"/> SUPPLEMENTAL <input type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER				

**INMATE STATEMENT:** STEPHEN pled Not Guilty at the time of the hearing and stated, "I already have a high school diploma."

**FINDINGS:** The hearing officer has reviewed all pertinent documentation in this instant offense and has taken STEPHEN's plea into consideration. The hearing officer finds STEPHEN guilty of violating CCR §3041(a) Performance, specifically, "Refusing To Work." This finding is based on a preponderance of evidence, which substantiates the charge. The evidence submitted at the hearing included: (3D, 9/10/9/2003).

A. The CDC 115 Rules Violation Report authored by M. Cornelius, wherein he documents Inmate STEPHEN refusal to work.

**DISPOSITION:** Recommend reinstatement from position #ABE-E310 and program review. STEPHEN was counseled at length regarding CCR §3041(a) Performance, specifically, "Refusing To Work." Warned and reprimanded. STEPHEN was advised of his need to conform to the California Code of Regulations (Title 15) while in the custody of the California Department of Corrections.

STEPHEN was advised of his right to appeal pursuant to CCR §3084.1.

SIGNATURE OF WRITER R. Silva, Program Sergeant		DATE SIGNED 06-12-07	
GIVEN BY: (Staff's Signature) KSC		DATE SIGNED 06-12-07	TIME SIGNED 1550

☐ COPY OF CDC 115-C GIVEN TO INMATE

NAME and NUMBER STEPHENS, JIMMIE

C-56483

1149X

CDC-128-C

On 4/7/2008 Inmate STEPHENS, JIMMIE was evaluated by education staff and found to have a Verified High School Diploma. This inmate therefore is exempt from mandatory education.

Verified High School Diploma

Orig C-File

Education File

Inmate

Date 4/7/2008

J. Concepcion, Education/Assessment OA



CMC-EAST

#  
EXHIBIT 2

PATTERN of SIGNATURE IS "REPLICATION" SINCE  
4-28-95.. on 11-27-05. 8-9-05. and 9-29-06 ..  
ON 9/29/06..

WRITE-UP at 8-9-05 ORIGINALLY "RE-ISSUED"  
"REHEARD" but HAS NOT OCCURRED AS of 5-14-08  
RECEIVED COPY at ORDER 4-21-08 AFTER  
many REQUESTS..

AND ISSUING "60 Days" at 6-14-07  
WITHOUT "RE-ISSUE" REHEARING" Etc.



## VIOLATION REPORT

COC NUMBER C-56483	INMATE'S NAME STEPHEN, J.	RELEASE/BOARD DATE	INST. CSP-CAL	HOUSING NO. D3-123L	LOG NO. 04-95-D08
VIOLATED RULE NO(S). CCRS3005(c) FORCE & VIOLENCE		SPECIFIC ACTS ASSAULT ON STAFF	LOCATION D-YARD	DATE 04/28/95	TIME 0650 HOU

**CIRCUMSTANCES** On Friday, April 28, 1995, at approximately 0650 hours, while performing my duties as "D" Facility Yard Officer #1, I was performing random clothed body searches on inmates exiting dining hall #2. I ordered Inmate STEPHEN, J., C-56483, D3-123L, to submit to a clothed body search. STEPHEN refused stating "You aint touching me mother fucker", and began walking away. I again ordered STEPHEN to allow me to perform the search, STEPHEN stated "Fuck you, you aint touching me. Call the sergeant over." I called Correctional Sergeant (A) G. Ellis over and advised him of the situation. Sergeant Ellis ordered STEPHEN to submit to the search. STEPHEN assumed the position with legs spread, arms out, facing away from me. As I placed my hands on STEPHENS back, he spun around, cocked his right fist and simultaneously stepped towards me. To avoid being hit, I grabbed STEPHEN with both arms around his middle torso and yelled for him to get down. STEPHEN twisted vigorously to the right and struck me twice (2) in the right eye area with his right fist. Responding staff immediately subdued STEPHEN and placed him in handcuffs. STEPHEN was escorted to the Program Office holding cell to await processing for Administrative Segregation.

Inmate STEPHEN is aware of this report.

REPORTING EMPLOYEE (Typed Name and Signature) M. CROFOOT, CORRECTIONAL OFFICER	DATE 5-1-95	ASSIGNMENT D-YARD C/O #1	RDO'S TUE/WED
REVIEWING SUPERVISOR'S SIGNATURE G. ELLIS, PROGRAM SERGEANT	DATE 5-1-95	<input checked="" type="checkbox"/> INMATE SEGREGATED PENDING HEARING DATE 04/28/95 LOC A5-144U	
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION: B-121-150	DATE 5/1/95	CLASSIFIED BY (Typed Name and Signature) LT. C. Butler
HEARING REFERRED TO <input type="checkbox"/> HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC			

## COPIES GIVEN INMATE BEFORE HEARING

<input checked="" type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE) R. S. S. S.	DATE 5-1-95	TIME 2040	TITLE OF SUPPLEMENT
<input checked="" type="checkbox"/> INCIDENT REPORT LOG NUMBER: CAL-FDY-95-04-0176	BY: (STAFF'S SIGNATURE) R. S. S. S.	DATE 5-15-95	TIME 1820	BY: (STAFF'S SIGNATURE)

**HEARING** On May 29, 1995, at approximately 1000 hours, Inmate STEPHEN appeared before me in regard to a CDC-115, dated 04/28/95. This CDC-115 was issued to Inmate STEPHEN on 05/01/95. Inmate STEPHEN stated he was in good health and acknowledged receipt of all reports and was ready to proceed with the hearing. All time constraints have been met and all reports were issued more than 24 hours prior to the hearing. STEPHEN elected to proceed with the hearing and not postpone pending outcome of referral for prosecution as indicated by his signature on the CDC-115A. STEPHEN was assigned Correctional Officer D. LARSON as investigative employee, per CCR 3315(d). Witness(es) were requested, and granted.

**INMATE PLEA:** The charges were read to Inmate STEPHEN, and he pled NOT GUILTY. Inmate STEPHEN stated: "It is all lies. It was not a random search, it's all lies."

**WITNESS STATEMENT:** Reporting Employee Correctional Officer M. Crofoot stated: "We were searching inmates and I called out to STEPHENS and he said, 'Fuck you'. I called the Sergeant. I then started to search. I put my hands on his back. He spun around and I and I tried to take him down and he hit me twice in the right side of my face".

**FINDINGS:** Inmate STEPHEN was found GUILTY of violating CCR# 3005(c), specifically for ASSAULT ON STAFF. This finding was based upon the preponderance of evidence submitted at the hearing, which substantiates the charge. This evidence includes: Officer M. CROFOOT's written report. In

REFERRED TO <input type="checkbox"/> CLASSIFICATION <input type="checkbox"/> BY: (NAME)	(Continued on next page)	
ACTION BY: (TYPED NAME) G.J. JANDA, CORRECTIONAL LIEUTENANT	SIGNATURE G.J. Janda	DATE 5/29/95
REVIEWED BY: (SIGNATURE) K. Blumard PA(A)	DATE 5-30-95	CHIEF DISCIPLINARY OFFICER'S SIGNATURE A/W (A)
<input checked="" type="checkbox"/> COPY OF COC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE) C. S. S. S.	DATE 5/31/95

CDC 115 (7/88)

VIOLATION REPORT


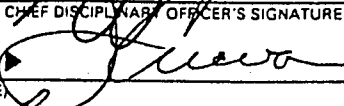
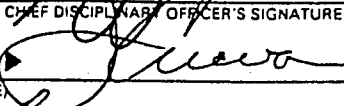
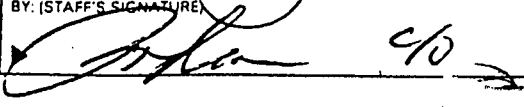
CDC NUMBER C-56483	INMATE'S NAME STEPHEN	RELEASE/BOARD DATE	INST CSP/CAL	HOUSING NO. FA5-144U	LOG NO. 04-95-D-08
VIOLATED RULE NO(S) \$3005(c) FORCE & VIOLENCE		SPECIFIC ACTS ASSAULT ON STAFF	LOCATION D-YARD	DATE 04/28/95	TIME 0650 HOUR

(HEARING CONTINUED):

addition, the testimony of the Reporting Employee at the time of the hearing, the contents of the Investigative Report, the contents of the CDC-837 Incident Report. Also the contents of the CDC-7219 indicating that the injuries sustained by the Reporting Employee are consistent with the assault that STEPHENS committed upon him.

**DISPOSITION:** GUILTY. Inmate STEPHEN was assessed (150) days Loss of Credits, consistent with a Division "B" Offense. STEPHENS was Counseled and Reprimanded on future behavioral expectations. Senior Hearing Officer recommends retention in Administrative Segregation pending review by the Institutional Classification Committee, and further recommends assessment of appropriate S.H.U. term. REFER TO I.C.C. FOR CONFIRMATION OF CREDIT LOSS/DISPOSITION.

INMATE STEPHEN WAS ADVISED OF HIS RIGHTS AND PROCEDURES TO APPEAL THIS ACTION, AND ADVISED HE WOULD RECEIVE A COMPLETED COPY UPON FINAL AUDIT BY THE CHIEF DISCIPLINARY OFFICER.

REFERRED TO <input type="checkbox"/> CLASSIFICATION <input type="checkbox"/> BPT/NAEA				
ACTION BY: (TYPED NAME) G.J. JANDA, CORRECTIONAL LIEUTENANT	SIGNATURE 	DATE 5/29/95	TIME 1000 HR	
REVIEWED BY: (SIGNATURE) 	DATE 5/30/95	CHIEF DISCIPLINARY OFFICER'S SIGNATURE 		
<input checked="" type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE) 	DATE 5/31/95	TIME 1315	



STATE OF CALIFORNIA

## RULES VIOLATION REPORT

CDC NUMBER <b>C-56483</b>	INMATE'S NAME <b>STEPHEN, J.</b>	RELEASE/BOARD DATE <b>CSP/CAL</b>	INST <b>FA5-121U</b>	HOUSING NO <b>FA5-121U</b>	LOG NO <b>06-A5-95</b>
VIOLATED RULE NO(S) <b>#3005(c) FORCE &amp; VIOLENCE</b>		SPECIFIC ACTS <b>ASSAULT ON INMATE/SHOTS FIRED</b>		LOCATION <b>AD-SEG YARD 2</b>	DATE <b>06/12/95</b>
				TIME <b>1223 HOURS</b>	

CIRCUMSTANCES On Monday, June 12, 1995, at approximately 1223 hours while performing my duties as Administrative Segregation S & E #1, I observed in exercise yard #1, Inmate FIERRO, E-7252, A5-116U, run toward Inmate **STEPHEN, C-56483, A5-121U**, and attempt to strike him to the mid-torso area with his right hand, using an underhand stabbing motion, as **STEPHEN** moved back. Inmate PADILLA, H-00471, A5-116L, ran toward Inmate SMITH, H-55937, A5-121L, and both inmates began swinging both their fists, striking each other to the upper torso area. I yelled "Weapon get down", and fired one (1) round from my state-issued 37mm gas gun, serial #D04742, with No 264R baton rounds, with negative results. FIERRO ran up behind SMITH and made a stabbing motion to his back, before kneeling down on the ground. SMITH, who was standing over PADILLA as he sat on the ground, repeatedly struck PADILLA with his left fist to the facial area. FIERRO then stood up and began moving towards SMITH, as SMITH walked toward FIERRO, and both squared off in an aggressive stance. Administrative Segregation Lieutenant G. SUMPTER discharged one (1)

(CONTINUED)

REPORTING EMPLOYEE (Typed Name and Signature) <b>T. DIAZ, CORRECTIONAL OFFICER</b>	DATE <b>JUNE 12, 1995</b>	ASSIGNMENT <b>AD-SEG S &amp; E #1</b>	RDO'S <b>Th/F</b>
REVIEWING SUPERVISOR'S SIGNATURE <b>W. PRICE, CORRECTIONAL SERGEANT</b>	DATE <b>JUNE 12, 1995</b>	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input checked="" type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION: <b>A-1 181-360</b>	DATE <b>6/22/95</b>	LOC. <b>LT.</b>
HEARING REFERRED TO <input type="checkbox"/> HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/>			
COPIES GIVEN INMATE BEFORE HEARING			
<input checked="" type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE) <b>R. Smith</b>	DATE <b>6/22/95</b>	TIME <b>1800</b>
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER: <b>Cal-FAS-95-66-0247</b>	BY: (STAFF'S SIGNATURE) <b>M. Fisher</b>	DATE <b>6/22/95</b>	TIME <b>1116</b>

HEARING Inmate **STEPHEN** appeared before me in regard to a CDC-115, dated 06/12/95. Inmate **STEPHEN** stated he was in good health had received copies of all pertinent reports at least twenty-four hours prior to the hearing, and was ready to proceed. Inmate **STEPHEN** was assigned Officer M. Fisher as the Investigative Employee. No witnesses were requested. **INMATE HIA:** The charges were read to Inmate **STEPHEN**, and he pled NOT GUILTY. Inmate **STEPHEN** had no comment. **FINDINGS:** Inmate **STEPHEN** was found NOT GUILTY of violating CCR# 3005(c), specifically for ASSAULT ON AN INMATE/S FIRED. This finding was based upon the preponderance of evidence submitted at the hearing, which does not substantiate the charge. This evidence includes: The disciplinary report clearly states that **STEPHEN** did not participate in assault. Therefore, the finding of NOT GUILTY. **DISPOSITION:** This CDC-115 is being dismissed due to INSUFFICIENT EVIDENCE. Inmate **STEPHEN** was advised of his rights procedures to appeal this action. He was further informed he would receive a completed copy upon final audit by Chief Disciplinary Officer, who's signature will indicate an affirmation, reversal or modification of this act thereby constituting the First Level of review for appeal purposes.

REFERRED TO <input type="checkbox"/> CLASSIFICATION <input type="checkbox"/> BPT/NAEA	SIGNATURE <b>K. Howard</b>	DATE <b>07/17/95</b>	TIME <b>1</b>
ACTION BY: (TYPED NAME) <b>K. HOWARD, CORRECTIONAL LIEUTENANT</b>	CHIEF DISCIPLINARY OFFICER'S SIGNATURE <b>S. H. GARCIA, ASSOCIATE WARDEN</b>	DATE <b>7/19/95</b>	TIME <b>1054</b>
REVIEWED BY: (SIGNATURE) <b>A. TUTT, PROGRAM ADMINISTRATOR</b>	BY: (STAFF'S SIGNATURE) <b>M. Fisher</b>	DATE <b>7/26/95</b>	TIME <b>0</b>
<input checked="" type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING			

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT

CDC NUMBER C-56483	INMATE'S NAME STEPHEN, J.	RELEASE/BOARD DATE	INST. CSP-CAL	HOUSING NO. FA5-121U	LOG NO. 05-AS-95-082
VIOLATED RULE NO(S) #3005(c)-FORCE & VIOLENCE		SPECIFIC ACTS CELL FIGHT		LOCATION CELL A5-121	DATE 06/13/95
CIRCUMSTANCES		TIME 1455 hours			

On Tuesday, June 13, 1995, at approximately 1455 hours, while performing my duties as Administrative Segregation (Ad/Seg) Floor Officer #1, I heard a loud noise coming from cell A5-121, jointly occupied by Inmate SMITH, H-55937, A5-121L, and Inmate STEPHEN, C-56483, A5-121U. I observed SMITH's right arm around STEPHEN's neck, choking STEPHEN. I responded to cell A5-121 and ordered SMITH to stop fighting. SMITH then rammed STEPHEN's head into the cell door. I again ordered SMITH to stop fighting. SMITH then complied. Both inmates were then removed from their cell without further incident. Both inmates were medically evaluated by Medical Technical Assistant D. SULLINS. SMITH was then returned to cell A5-121. STEPHEN was rehoused to cell A5-225.

Inmate STEPHEN is aware of this report.

REPORTING EMPLOYEE (Typed Name and Signature) D. MENDEZ, CORRECTIONAL OFFICER		DATE 06/13/95	ASSIGNMENT AD/SEG FLOOR C/O #1	RDO'S F/S
REVIEWING SUPERVISOR'S SIGNATURE J. GOEBEL, CORRECTIONAL SGT.		DATE 06/13/95	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING A5-121U	
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION: D61-90	DATE 6/16/95	CLASSIFIED BY (Typed Name and Signature) J. GOEBEL	HEARING REFERRED TO <input type="checkbox"/> HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC
COPIES GIVEN INMATE BEFORE HEARING				
CDC 115	BY: (STAFF'S SIGNATURE) RC	DATE 6/17/95	TIME 0925	TITLE OF SUPPLEMENT N/A
INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE) 117	DATE	TIME	BY: (STAFF'S SIGNATURE) 11/12

HEARING: On June 23, 1995 at approximately 1005 hours, Inmate STEPHEN appeared before me in regards to a CDC-115 he received on 06/23/95. STEPHEN stated that he was in good health, acknowledged receipt of all reports and was ready to proceed with this hearing. All time constraints have been met and all reports were issued more than 24 hours prior to the hearing. Correctional Officer B. BENTLEY was assigned as the Investigative Employee. Witnesses were not requested by the inmate. The charges were read to STEPHEN who pled, NOT GUILTY.

STATEMENT OF CHARGED INMATE: Inmate STEPHEN declined to make a statement.

FINDINGS: Inmate STEPHEN was found NOT GUILTY of violating CCR #3005(c), for the specific act of, FIGHTING. This finding was based upon the preponderance of the evidence submitted at this hearing, which does not substantiate the charge. This evidence includes: the contents of Correctional Officer D. MENDEZ's written report, which states that he saw SMITH with his arm around STEPHEN's neck. SMITH then rammed STEPHEN's head into the cell door. The Reporting Employee made no reference to STEPHEN fighting.

DISPOSITION: NOT GUILTY. DISMISSED IN THE INTEREST OF JUSTICE based upon the Senior Hearing Officer deemed that STEPHEN was the victim of assault.

INMATE STEPHEN WAS ADVISED OF HIS RIGHTS TO AND THE PROCEDURES FOR THE APPEAL OF THIS ACTION. HE WAS ALSO ADVISED THAT HE WILL RECEIVE A COMPLETED COPY OF THIS CDC-115 UPON FINAL AUDIT BY THE CHIEF DISCIPLINARY OFFICER.

ACTION BY: (TYPED NAME) G.D. SUMPTER, CORRECTIONAL LIEUTENANT		SIGNATURE G.D. Sumpter	DATE 6/23/95	TIME 1005 HR
REVIEWED BY: (SIGNATURE) J. GOEBEL	DATE 6/21/95	CHIEF DISCIPLINARY OFFICER'S SIGNATURE J. GOEBEL	DATE 6/21/95	TIME 1230
COPY OF CDC 115 GIVEN INMATE AFTER HEARING		BY: (STAFF'S SIGNATURE) RC	DATE 6/21/95	TIME 1230

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT

CDC NUMBER C-56483	INMATE'S NAME STEPHEN, J.	RELEASE/BOARD DATE (1) 11/28/05	INST. RJDCF	HOUSING NO. F3-14-129U	LOG NO. F3-05-118
VIOLATED RULE NO(S). IR 3005(c) FORCE & VIOLENCE		SPECIFIC ACTS THREATENING STAFF	LOCATION F3 H/O#14	DATE 11-27-05	TIME 1945 hrs.

**CIRCUMSTANCES**  
On Sunday, November 27, 2005, at approximately 1945 hours, while performing my duties as H/U #14 Floor Officer, during the 1945 hour unlock, I notified I/M STEPHEN, J., C-56483, F3-14-129U that his status was A2-B. I/M STEPHEN then became agitated and began stating to me, "That was stupid." I then clarified with him what my expectations were for inmates who were A2-B status and he stated, "You have been fucking with me from the beginning." I then said to him that how was I messing with you, If I verified through the Program Office his status. At this point I/M STEPHEN had a ball-point in his right hand and held it in such a way that made me believe he may use it as a weapon. I took a step back, unsecured my MK-p Oc Spray Strap and told I/M STEPHEN to settle down and he said, "Fuck you, you'll get yours." I repeated my instructions for him to settle down and he backed up and went in his cell. After 1945 hours unlock was complete I began checking my unit cell by cell to verify all A2-B's, C1-A's and C/C inmates were in their cells. While passing Cell #129 where I/M STEPHEN lives, he again made threats as before with a ball-point pen held in his hand in an aggressive manner. I notified Program Sgt F. Delatorre who arrived and placed I/M STEPHEN in handcuffs, and then was escorted to the Fac.3 Program Office by Yard Staff. Inmate STEPHEN is aware of this report and was Medically evaluated by Fac.3 Medical Staff.

<b>REPORTING EMPLOYEE</b> (Typed Name and Signature) M. Espinoza, Correctional Officer		DATE 11-28-05	ASSIGNMENT H/U #14 Floor Officer	RDO'S
<b>REVIEWING SUPERVISOR'S SIGNATURE</b> F. Delatorre, Sergeant		DATE 11/28/05	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION D	DATE	CLASSIFIED BY (Typed Name and Signature) A. Bracamonte, Facility Captain	HEARING REFERRED TO <input type="checkbox"/> HO <input type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC

## COPIES GIVEN INMATE BEFORE HEARING

<input checked="" type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE) D. Bracamonte	DATE 11-29-05	TIME 10:15	TITLE OF SUPPLEMENT 7219 Medical Report
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE) D. Bracamonte	DATE 11/29/05	TIME 10:15	

## HEARING

Inmate STEPHEN, C-56483, appeared before this Senior Hearing Officer (SH) on 12-20-05 at 1035 hours, for hearing of RVR ID #F3-05-668. The hearing was held in Administrative Segregation. MSDS: COOMS, but the inmate's mental health status was not a factor in the charges or the disciplinary process. SA was not assigned per OOR 3315(d)(2)(A)1,2,3; The inmate is not illiterate, is English speaking, the issues are not complex, GPL Score is above 4.0, and he does not require a confidential relationship in preparing his defense. The inmate acknowledged he was in good health and did not object to proceeding with this hearing. He was advised of the charges and the purposes of the hearing, and acknowledged receipt of the 115, 115A, 7219 Medical Report, 24 hours prior to this hearing. (I/M STEPHEN also acknowledged IE). The inmate received his first copy of the RVR within 15 days of discovery and the hearing was held within 30 days of the issuance of the RVR, therefore, all time constraints were met. IT WAS ASSURED. The issues are not complex, however the inmate's housing status did preclude his evidence gathering, and additional information was necessary for a fair hearing. C/O R. Ramirez was assigned on 11-30-05 and the report was taken into consideration by the SH.

**WITNESSES:** Requested, but subsequently waived by the inmate, as verified by the inmate's signature on the 115A.

**INMATE PLED:** NOT GUILTY, stating, "I did not threaten him. I did not disrespect him."

HEARING CONTINUED ON PART-C page 1 of 2

REFERRED TO ☐ CLASSIFICATION ☐ BPT/NAEA

ACTION BY: (TYPED NAME)

C.P. Franco, Lieutenant

REVIEWED BY: (SIGNATURE)

A. Bracamonte, Facility Captain

DATE

SIGNATURE

CHIEF DISCIPLINARY OFFICER'S SIGNATURE

P.A. Cowen, Associate Warden

BY: (STAFF'S SIGNATURE)

☒ COPY OF CDC 115 GIVEN INMATE AFTER HEARING

CDC 115 (7/88)

23

F2



RULES VIOLATION REPORT REFER TO INCIDENT REPORT #RJDCEN-06-09-0592

CDC NUMBER <b>C-56483</b>	INMATE'S NAME <b>STEPHEN, J.</b>	(1)	RELEASE/BOARD DATE <b>LIFE</b>	INST. <b>RJDCF</b>	HOUSING NO. <b>F3-15-136U</b>	LOG NO. <b>F3-06-57</b>
VIOLATED RULE NO(S). <b>FORCE &amp; VIOLENCE</b>		SPECIFIC ACTS <b>BATTERY ON A NON-PEACE OFFICER ROUTING USE OF FORCE</b>		LOCATION <b>CENTRAL LIBRARY</b>	DATE <b>09/29/06</b>	TIME <b>1840 HRS</b>
CIRCUMSTANCES						

On Friday, September 29, 2006, at approximately 1840 hours, while performing my duties as a Librarian in the Central Library, Inmate STEPHEN, J., C-56483, F3-15-136U, requested approval for copies to be made of several documents. I examined the documents and discovered an altered/falsified diploma among other documents. I told STEPHEN that I would not approve copies to be made of the fraudulently altered diploma. While handing it back to him, I said, "I can write you up for this." He shouted back, "Go ahead and write me up then!" I instructed him to hand the document back to me, but he instead began to stuff it into his legal folder. I reached out to pull the paper from his hand, but he hit my hand, and forcefully pushed my right hand away to prevent me from doing so. I pressed my alarm, and Officer I. Bravo arrived and ordered STEPHEN to get up out of the chair and turn around to allow handcuffs to be placed on him, with negative results. Instead of complying with orders, STEPHEN suddenly reached into a box that was at his feet. Officer Bravo wrapped both arms around the inmate's upper torso and used his body weight and strength to forcefully place him on the floor with the assistance of Officer C. Palencia who had also responded to the Library and observed Officer Bravo struggling with Inmate STEPHEN. Inmate STEPHEN further resisted by holding his arms tightly under his body, twisting ..

MHSOS: CCOMS (CIRCUMSTANCES CONTINUE) PAGE 1 OF 2

REPORTING EMPLOYEE (Typed Name and Signature) <b>E. SIMON, Librarian</b>	DATE <b>10-12-06</b>	ASSIGNMENT <b>Central Library</b>	RDO'S <b>S/S/H</b>
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REVIEWING SUPERVISOR'S SIGNATURE <i>[Signature]</i>	DATE <b>10-12-06</b>	<input checked="" type="checkbox"/> INMATE SEGREGATED PENDING HEARING
--	-------------------------	---

CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION <b>13</b>	DATE <b>10/13/06</b>	CLASSIFIED BY (Typed Name and Signature) <b>G. PEDERSON, Facility 3 Captain (A)</b>	HEARING REFERRED TO <input type="checkbox"/> HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC
--	-------------------------------	-------------------------	--	--

COPIES GIVEN INMATE BEFORE HEARING					
<input checked="" type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE) <i>[Signature]</i>	DATE <b>10/13/06</b>	TIME <b>1030</b>	TITLE OF SUPPLEMENT	
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER: <b>0592</b>	BY: (STAFF'S SIGNATURE) <i>[Signature]</i>	DATE	TIME	BY: (STAFF'S SIGNATURE)	DATE TIME

HEARING  
Inmate STEPHEN, C-56483, appeared before this Senior Hearing Officer on 1-14-07 at 1800 hours for hearing of RVR Log# F3-06-574. MHSOS: CCOMS, and no CDC-115X was processed. The hearing was held in Administrative Segregation. SA was not assigned per CCR 3315(d)(2)(A)1,2,3; the inmate is not illiterate, is english speaking, issues are not complete. GPL of I/M is above 4.0 and he does not require a confidential relationship in preparing his defense. DA REFERRAL: Hearing not postponed pending da referral, as noted by the inmates signature on the 115A. The inmate stated he was in good health and did not object to proceeding with this hearing. He was advised of the charges and the purposes of this hearing, and acknowledged receipt of the 115, 115A, 115C, 24 hours prior to this hearing. The inmate received his first copy of the RVR within 15 days of discovery and the hearing was not held within 30 days of the issuance of the RVR, therefore all time constraints were not met. IE waived by the inmate as noted by the inmate's signature on the 115A. WITNESSES: Were requested, but subsequently waived by the inmate, as noted by the inmate's signature on the 115A. I/M PLED: NOT GUILTY, stating, "I did not do anything."

REFERRED TO <input type="checkbox"/> CLASSIFICATION <input type="checkbox"/> BPT/NAEA	HEARING CONTINUES ON PART-C page 1 of 2			
ACTION BY: (TYPED NAME) <b>E. Garza, Lieutenant</b>	SIGNATURE <i>[Signature]</i>		DATE <b>1/14/07</b>	TIME <b>182</b>
REVIEWED BY: (SIGNATURE) <i>[Signature]</i>	DATE <b>1-16-07</b>	CHIEF DISCIPLINARY OFFICER'S SIGNATURE <i>[Signature]</i>	DATE <b>1/16/07</b>	
<b>E. Marrero, Facility Captain</b>	BY: (STAFF'S SIGNATURE) <i>[Signature]</i>	<b>E. Contreras, Associate Warden</b>	DATE	TIME
<input type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING				

STATE OF CALIFORNIA  
OFFICE MEMO  
STD. 100 (REV. 4-95)

DATE

3/21/08

TO

Stephens

ROOM/STA. NO.

FROM

D. Lloyd CCI

PHONE NUMBER

CALNET ☐

ROOM/STA. NO.

SUBJECT

F4I —

I you need something like  
this — JUST SUBMIT AN  
INMATE REQUEST — It's much  
faster (#1) and ~~#2~~ Appeals would have  
rejected it — telling you to submit  
a Request to your counselor. —

I checked your disciplinary section  
& could not find the "re-issued/  
re-heard 115 for this case. If this  
did not happen you must submit  
your appeal to RJD not CMC —  
RJD did not comply w/ the  
mod order.

95 28511

DATE: November 16, 2005

NAME: - - STEPHEN, J.

CDC: C-56483

APPEAL #: 05-1607 SECOND LEVEL REVIEW

APPEAL DECISION: PARTIALLY GRANTED

APPEAL ISSUE: You are appealing a Serious CDC-115 Rules Violation Report (RVR), Log No. F3-05-410, dated August 8, 2005, in which you were found guilty of violating California Code of Regulations (CCR) Title 15, Section 3005(a) Conduct: Stalking. You contend that the charge of Stalking was not substantiated, the Mailroom Supervisor violated procedure by opening an envelope marked "Legal Mail", a conflict of interest existed with the Senior Hearing Officer (SHO) and that you were not provided a copy of the letter intercepted by the Mailroom Supervisor and turned over to the Security and Investigations Unit.

Specifically, you request a "conflict of interest be declared" against the SHO, Correctional Lieutenant R. Shelar and that the RVR be dismissed.

APPEAL RESPONSE: In reaching a decision on this matter, a thorough review of your appeal and the attached documentation was conducted. Applicable sections of the CCR were also reviewed. Additionally, on November 16, 2005, you were interviewed by Lt. D. McMahan regarding your appeal. During the interview you reiterated the statements in your appeal and presented no further evidence or information.

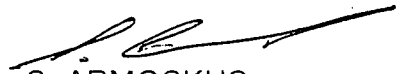
Mr. Stephen, a review of the processing of your CDC-115 indicates all time constraints were met, but there appears to be a due process issue in that you were not provided a copy of the handwritten letter you allegedly wrote to Correctional Officer Belton, which was intercepted by Mailroom Supervisor J. McNeil. During the hearing the SHO acknowledged the letter was unavailable, but stated it was not considered as evidence in the hearing. However, item #1 of the SHO's Findings makes direct reference to the letter and its contents as part of the culpatory evidence. Additionally, the letter is referenced by multiple witnesses in the Investigative Employee's Report and appears to be the key link between you, the log which was subsequently discovered in your cell and the Stalking charge. Therefore, you were entitled to a copy of that letter prior to your hearing.

Your claim that the Mailroom Supervisor violated procedure by opening an envelope marked "Legal Mail" is without merit. The term "Legal Mail" applies to correspondence between inmates and attorneys. The envelope in question was an interdepartmental "U-Save-Em" envelope addressed to a staff member. You also failed to show that a conflict of interest resided in the SHO. Finally, the issue of whether or not the charge of Stalking can be substantiated is moot in that a new hearing will be ordered for the RVR.



STEPHEN, J. #C-56483  
Appeal Log #05-1607 -  
Page 2

Your request that a "conflict of interest be declared" against the SHO and that the RVR be dismissed is denied. However, the RVR is ordered Re-issued/Reheard to comply with due process concerns. Therefore, your appeal is PARTIALLY GRANTED at this Second Level of Review.



S. ARMOSKUS  
Chief Deputy Warden

## RULES VIOLATION REPORT

[ 410 ]

CDC NUMBER <b>C-56483</b>	INMATE'S NAME <b>STEPHEN, J. (1)</b>	RELEASE/BOARD DATE	INST. <b>RJDCF</b>	HOUSING NO. <b>13-105U</b>	LOG NO. <b>F3-05-410</b>
VIOLATED RULE NO(S). <b>CCR 3005(a) CONDUCT</b>		SPECIFIC ACTS <b>STALKING</b>	LOCATION <b>Unit #13</b>	DATE <b>08/08/05</b>	TIME <b>13:30</b>

On Tuesday, August 8, 2005, at approximately 1330 hours, the Investigative Services Unit (ISU) concluded an investigation into Inmate STEPHEN's, J., C-56483, F3-13-105U, stalking Correctional Officer M. Belton. On August 5, 2005, the ISU received a handwritten letter that was intercepted by Mailroom Supervisor J. McNeil. The letter was inside of a U SAVE 'EM envelope addressed to Officer Belton. Inmate STEPHEN's states in the letter that he is in love with Officer Belton. Included in the U SAVE 'EM envelope was a second U SAVE 'EM envelope addressed to Inmate STEPHEN himself, and the letter contained instructions for Officer Belton not to include her name in her response and he would be able to identify her letter by the included self-addressed envelope. ISU Officer, Correctional Officer R. Billingsley and I conducted a search of Inmate STEPHEN's Cell F3-13-105. During the search, Officer Billingsley discovered a chronological log when Officer Belton worked Housing Unit 13 and her demeanor towards him when she did. As a result, Inmate STEPHEN was rehoused in the Administrative Segregation Unit (ASU). Inmate STEPHEN is aware of this report.

## MHSDS: CCGMS

REPORTING EMPLOYEE (Typed Name and Signature) <b>A. VASQUEZ, Correctional Officer</b>	DATE <b>8-15-05</b>	ASSIGNMENT <b>S &amp; I "A", ISU</b>	RDO'S <b>S/S/H</b>
REVIEWING SUPERVISOR'S SIGNATURE <b>J. N. CLARKE, Sergeant</b>	DATE <b>8-16-05</b>	INMATE SEGREGATED PENDING HEARING <b>DATE 08/09/05 LOC F2-06-118L</b>	
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION: <b>E(7)</b>	DATE <b>8-16-05</b>	CLASSIFIED BY (Typed Name and Signature) <b>J.W. DRESBACH, Facility Captain</b>
HEARING REFERRED TO <input type="checkbox"/> HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC			

## COPIES GIVEN INMATE BEFORE HEARING

CDC 115	BY: (STAFF'S SIGNATURE) <b>[Signature]</b>	DATE <b>8/16/05</b>	TIME <b>12:10</b>	TITLE OF SUPPLEMENT <b>N/A</b>
INCIDENT REPORT LOG NUMBER: <b>N/A</b>	BY: (STAFF'S SIGNATURE) <b>[Signature]</b>	DATE	TIME	BY: (STAFF'S SIGNATURE)
				DATE
				TIME

## HEARING

Inmate issued copies of copies of all documents; including envelopes, signatures, etc; this date: **8-15-05** Issued by: **M. B. L.** Time: **11:52** hours.

Inmate STEPHEN appeared before this Senior Hearing Officer (SHO) on 9-15-05 at 1940 hours and was in good health. He received all pertinent copies 24 hours prior to this hearing. All charges were read to him and he was prepared to proceed. He is a MHSDS participant at the CCGMS level of care. STAFF ASSISTANT: Not assigned per CCR 3315(d)(2)(A)1,2,3. INVESTIGATIVE EMPLOYEE: C/O Diaz was assigned and her report was taken into consideration.

WITNESSES: None requested for this hearing. INMATE PLED: NOT GUILTY, stating, "It ain't mine, the log might be mine because I have a case against Sgt. Clarke. I was keeping track of who he put in my building to set me up."

FINDINGS: GUILTY of CCR 3005(a) CONDUCT, Specifically: STALKING (Behavior which endangers another person), based on: The RVR, authored by C/O Vasquez, dated 8-8-05, which states in part; that on 8-5-05, the Investigative Services Unit (ISU) received a handwritten letter which was intercepted by Mailroom Supervisor J. McNeil. The letter was in a U-Save-Em envelope addressed to C/O Belton. Inmate STEPHEN states in the letter that he is in love with C/O Belton. ISU Officer Billingsley and I conducted a search of Inmate STEPHEN's cell F3-13-105. During the search Officer Billingsley found a chronological log when C/O Belton worked H/U #13 and her demeanor towards him when she did.

REFERRED TO ☐ CLASSIFICATION ☐ BPT/NAEA

HEARING CONTINUED ON PART-C page 1 of 2

CTION BY: (TYPED NAME) <b>R.J. SHELAR, Lieutenant</b>	SIGNATURE <b>[Signature]</b>	DATE <b>9-15-05</b>	TIME <b>1940</b>
VIEWED BY: (SIGNATURE) <b>J.W. DRESBACH, Facility Captain</b>	DATE <b>9-20-05</b>	CHIEF DISCIPLINARY OFFICER'S SIGNATURE <b>[Signature]</b>	DATE <b>9-26-05</b>
COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE) <b>[Signature]</b>	DATE <b>9-26-05</b>	TIME

DC 115 (7/88)

CDC NUMBER | NAME | ETHNIC | BIRTHDATE  
C56483 | STEPHEN, JIMMIE, EARL | BLA | 07/18/1952

ACA STEPHENS, JIMMIE  
ACA STEPHENS, JIMMIE, EARL

TERM STARTS | LIFE TERM STARTS | MIN ELIGIBLE PAROLE DTE  
04/22/1991 | 10/09/2001 | 10/09/2011

BASE TERM 15/00 + ENHCMNTS 20/00 = TOT TERM 35/00 TO LIFE | PAROLE PERIOD  
LIFE

PRE-PRISON + POST SENTENCE CREDITS

CASE P2900-5 P1203-3 P2900-1 CRC-CRED MH-CRED P4019 P2931 POST-SENT TOT  
A714077 674 336 11 1021

PC296 DNA COMPLETED  
NOTIFICATION REQUIRED PER P3058.6

INMATE COPY

DOC. HEARING: / DEFENSE ATTORNEY: KESSEL, A.  
INIT. HEARING: 09/2010 INVESTIGATING AGENCY: PD/LA

RECV DT/ COUNTY/ CASE SENTENCE DATE CREDIT OFFENSE  
CNT OFF-CODE DESCRIPTION CODE DATE

CONTROLLING PRINCIPAL & CONSECUTIVE (INCLUDES ENHANCEMENTS/OFFENSES):

--CONTROLLING CASE --  
4/22/1991 LA A714077 4/10/1991  
03 P667.5(B) PPT-NV 1  
03 P667(A) 01 PFC SERIOUS 1  
01 P187 2ND MURDER 2ND 32 06/06/1989  
(O) WPN  
12022.5 USE 1

IWTIP WAIVER BEGINNING CREDIT TOTAL TOTAL NET  
DATE BALANCE APPLIED LOST RESTORED TOTAL  
04/22/1991 0 2537 360 270 2447

CREDITS AUTO RE-VESTED PER PC-2934 : 5

TRAN TYPE DATE END DATE LOG NUMBER RULE NUMBER VIOL CAT DAYS  
WCL 01/26/1993 0193B49 3005(B) F 30  
WCL 08/25/1993 0893D066 3005(B) F 30  
WCL 02/14/1995 0295D041 3005(B) F 30  
WCL 04/28/1995 0495D080 3005(C) B 150  
WCG 04/22/1991 12/31/1996 916

\*\*\*\*\* CONTINUED \*\*\*\*\*

77  
38

CDC NUMBER C56483 NAME STEPHEN, JIMMIE, EARL

WCL	02/21/1997		A97020035	3012	F	30
WCR	06/19/1997		0193B49			30
WCR	06/19/1997		0893D066			30
WCR	06/19/1997		A97020035			30
WCR	03/24/1999		0495D080			150
WCG	01/01/1997	12/31/1999				981
WCG	01/01/2000	09/30/2001				639
WCG	09/30/2001	09/30/2001	ADJ			1
WCL	08/08/2005		F305410	3005 (A)	E	60
WCL	10/04/2006		F206567	3005 (B)	F	30
WCR	04/24/2007		F206567			30

INMATE COPY

TRAN	DATE	END DATE	LOG NUMBER	RULE	NUMBER	DAYS	ASSESS	LOST	REST	DEAD
------	------	----------	------------	------	--------	------	--------	------	------	------

CON 02/01/1983 \*\*\*\*\*BEG BAL\*\*\*\*\*  
ADD 11/19/1982 A623116  
ADD 12/21/1984 A755003  
ADD 04/22/1991 A714077  
ADD 04/22/1991 A714077

CURRENT PC BALANCE: 457

CURRENT BC BALANCE: 1370

60 day WCL NOT previously entered found during Audit

#  
EXHIBIT 3

COPY of DENTAL REQUEST for "SERIOUS" DENTAL  
REQUESTS SINCE ARRIVAL at 3-27-07 at CMC..

FALSE DOCUMENT at 2-8-08 to JUSTIFY  
DENIAL of SERIOUS MEDICAL vs PATTER..

PATTER)

AS at DONOVAN TRIED to RECEIVE PARTIALS  
OR TEETH SINCE 2005..

AS APPEAL DATED 11-30-06 at DONOVAN..

State of California

Department of Corrections and Rehabilitation

# Memorandum

Date : February 8, 2008

To : Charles Antonen  
Deputy Attorney General  
State of California Department of Justice

Subject: **PRISON LAW OFFICE REQUESTS FOR REVIEW OF PEREZ V. TILTON INMATE CONCERNS RELATING TO INMATE JIMMIE STEPHEN, C-56483**

Pursuant to the Stipulation For Injunctive Relief agreed to in re *Perez v. Tilton, et al.*, the Chief Dental Officer at the California Men's Colony (CMC) has provided the following information in response to the questions asked by Alison Hardy of the Prison Law Office.

1. When did Mr. Stephen last see a dentist regarding the possible need for partials or repair of his teeth? What were the results of this appointment?  
*Mr. Stephen was examined on January 4, 2008, for a triage appointment in response to a CDCR 7362 request for service that he submitted. This face-to-face examination did not reveal any urgent or emergent issues. Mr. Stephen did not state that his partial is worn or defective. Upon examination of his partial on January 4, 2008, replacement is not indicated. His DPC classification is DPC-3, and not DPC-2, as mistakenly noted in his UHR. As a consequence, Mr. Stephen will be seen in July 2008, his birth month, for his annual examination. His dental needs will be determined and a treatment plan will be developed at that time, if necessary.*
2. Please describe Mr. Stephen's current treatment plan.  
*Mr. Stephen is currently classified DPC-3. His annual examination will be in July 2008, and his dental needs and treatment plan, if needed, will be determined at that time.*

Thank you for your assistance in this matter. Please contact Bob Keller at (916) 327-8941, if you have any questions.



RICHARD ROBINSON  
Dental Program Project Director  
Division of Correctional Health Care Services

cc: Michael Stone, Staff Counsel, Office of Legal Affairs, CDCR  
Linda Martinez, D.D.S., Regional Dental Director  
Jeri Shepherd, D.D.S., Chief Dental Officer, CMC  
Health Care Appeals Coordinator, CMC



**Shepherd, Jeri**

---

**From:** Shepherd, Jeri  
**Sent:** Monday, January 28, 2008 9:31 AM  
**To:** Keller, Robert  
**Subject:** RE: New Para. 17 Ltr - J. Stephen, C-56483 (CMC)

Good morning,

1. When did Mr. Stephen last see a dentist regarding the possible need for partials or repair of his teeth? Mr. Stephen was seen January 4, 2008 for a triage appointment in response to a 7362 submitted by Mr. Stephen. What were the results of this appointment? Mr. Stephen has been on the DPC 2 list for exam and treatment plan. His birthday month is July. His situation has not become urgent or emergent, therefore he continues to remain on the DPC2 list in chronological order.

2. Please describe Mr. Stephen's current treatment plan. At this time he's is on the DPC2 list for exam and treatment plan. We see patients in chronological order of when they submit their 7362. At this time we are only able to accommodate Emergent, 7362 triage appointments, Urgent (DPC1), and annual exams.

Please note: Our dentist to inmate-patient ratio for East Dental Clinic is currently 1:939. We have made room and changed our scheduling to accommodate more dentists so that ratio could be improved. We have been given two more positions but that still will not give us the 1:515 ratio the court has allowed for. We need an additional 3 dentists for both the East and West Clinics.

-----Original Message-----

**From:** Keller, Robert  
**Sent:** Monday, January 28, 2008 7:23 AM  
**To:** Shepherd, Jeri  
**Cc:** Robinson, Richard; Martinez, Linda  
**Subject:** New Para. 17 Ltr - J. Stephen, C-56483 (CMC)

Hello Dr. Shepherd: Please find attached a new Para. 17 issue received from the PLO in re Inmate Stephen.

Please provide your reply no later than COB February 4, 2008.

Thank you,

**Bob Keller**

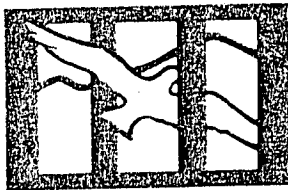
AHPA

Inmate Dental Services

(916) 445-8951

Fax (916) 327-2476

**CONFIDENTIAL -- ATTORNEY-CLIENT PRIVILEGED**  
**DO NOT FORWARD OR DUPLICATE EXCEPT TO AUTHORIZED STAFF**



## PRISON LAW OFFICE

General Delivery, San Quentin, CA 94964-0001  
Telephone (415) 457-9144 • Fax (415) 457-9151  
[www.prisonlaw.com](http://www.prisonlaw.com)

Director:  
Donald Specter

Staff Attorneys:  
Susan Christian  
Steven Fama  
Rachel Farbiarz  
Penny Godbold  
Megan Hagler  
Alison Hardy  
Vibeke Martin  
Millard Murphy  
Sara Norman  
Judith Rosenberg  
Zoe Schonfeld  
E. Ivan Truillo

2/21/2008

Jimmie Stephen, C-56483  
CMC  
PO Box 8103  
San Luis Obispo, CA 93409

Dear Mr. Stephen,

As you know, we wrote to the Attorney General on 1/25/2008 under procedures set forth in the *Perez* Stipulation to request further information about your dental treatment. The CDCR response to our advocacy letter is enclosed.

Please let us know if the information provided by headquarters is incorrect. Please provide specific information and any documentation you may have showing that their report is not accurate.

We hope that your dental condition has improved by this time. If you continue to have dental concerns, please send us an update on your present condition and we will determine whether we can continue to advocate on your behalf.

We wish you the best.

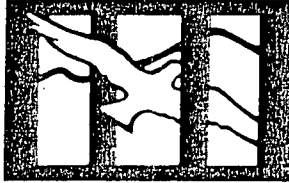
Sincerely,

Sam Weiner  
Litigation Assistant under Alison Hardy

Enclosures: CDCR Response

### Board of Directors

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PRISON LAW OFFICE  
General Delivery, San Quentin, CA 94964-0001  
Telephone (415) 457-9144 • Fax (415) 457-9151  
www.prisonlaw.com

Director:  
Donald Specter

Staff Attorneys:  
Susan Christian  
Steven Fama  
Rachel Farbiarz  
Penny Godbold  
Megan Hagler  
Alison Hardy ✓  
Vibeke Martin  
Millard Murphy  
Sara Norman  
Judith Rosenberg  
Zoe Schonfeld  
E. Ivan Trujillo

## MEMORANDUM

To: Charles Antonen, Deputy Attorney General  
From: Alison Hardy/SW  
Date: 1/25/2008  
Re: Perez 3 – Individual Inmate Exhausted Dental Concern – Request for Review

---

Jimmie Stephen, C-56483 CMC

Mr. Stephen has exhausted his administrative remedies on the issue of receiving repair of his teeth (IAB # 0708017, Log # CMC-07-01748).

According to the Second Level's Decision, Mr. Stephen was classified as Priority 2 on 5/8/07. The response goes on to state that Mr. Stephen was triaged for a "new and separate dental issue" on 6/13/07, which was resolved on 6/19/07. The response, which was written on 8/29/07, states that Mr. Stephen "would continue to receive treatment as a DPC 2 patient."

Mr. Stephen writes that he still has not received partials or treatment to repair his teeth.

Please respond to the following:

1. When did Mr. Stephen last see a dentist regarding the possible need for partials or repair of his teeth? What were the results of this appointment?
2. Please describe Mr. Stephen's current treatment plan.

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

INMATE APPEALS BRANCH

P. O. BOX 942883

SACRAMENTO, CA 94283-0001

## DIRECTOR'S LEVEL APPEAL DECISION

DEC 04 2007

Date:

In re: Jimmie Stephen, C56483  
California Men's Colony  
P.O. Box 8101  
San Luis Obispo, CA 93409-8101

IAB Case No.: 0708017

Local Log No.: CMC-07-01748

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner C. Hall, Facility Captain. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: It is the appellant's position he was informed his teeth would be repaired in a timely manner, as he was classified as a Dental Priority Code (DPC) 2; however, alleges this has yet to occur based upon overcrowding and a lack of dental staff. The appellant is requesting for his teeth to be repaired in a timely and professional manner; and, damages.

II SECOND LEVEL'S DECISION: It is the institution's position the appellant was interviewed by a panel of three dentists who determined he was triaged on May 8, 2007. At that time, the appellant was classified as a DPC 2. On June 13, 2007, the appellant was triaged for a new and separate dental issue, which was resolved via treatment on June 19, 2007. According to the appellant's Unit Health Record, he was categorized as a DPC 2, and received dental treatment in a timely manner. The appellant was also advised he would continue to receive treatment as a DPC 2 patient.

III DIRECTOR'S LEVEL DECISION: Appeal is denied.

A. FINDINGS: The appellant contends he has not received dental intervention in a timely manner after being categorized as a DPC 2, Interceptive Care, treatment within 120 days of diagnosis and DPC classification. These allegations are refuted, as the appellant has received timely and professional dental intervention as mandated by the Perez vs. Tilton Stipulated Agreement. The appellant was triaged on May 8, 2007, and was categorized as a DPC 2; however, on June 13, 2007, the appellant was triaged for a separate dental issue which was resolved via treatment on June 19, 2007. The appellant is advised the awarding of monetary compensation is beyond the appeals process and will not be addressed at the Director's Level of Review (DLR). The California Code of Regulations, Title 15, Section (CCR) 3354 establishes that only qualified medical personnel shall be permitted to diagnose illness and/or other conditions, and prescribe medical treatment for inmates. It is not appropriate to self-diagnose medical problems and expect a physician to implement the appellant's recommendation for a course of medical treatment. In this particular matter, the appellant's contention that he has not received adequate medical care is refuted by the medical records and professional health care staff familiar with the appellant's medical history. After review, there is no compelling evidence that warrants intervention at the DLR, as the appellant is receiving dental intervention within the timelines mandated by the Perez vs. Tilton Stipulated Agreement.

B. BASIS FOR THE DECISION:

CCR: 3350, 3354, 3355.1

C. ORDER: No changes or modifications are required by the Institution.

If dissatisfied, the appellant may forward this issue to the California Victims Compensation and Government Claims Board, (formerly known as the Board of Control), Government's Claims Unit, P.O. Box 3035, Sacramento, CA 95812-3035, for further review.

JIMMIE STEPHEN, C56483

CASE NO. 0708017

PAGE 2

This decision exhausts the administrative remedy available to the appellant within CDCR.



N. GRANNIS, Chief  
Inmate Appeals Branch

cc: Warden, CMC  
Health Care Manager, CMC  
Appeals Coordinator, CMC  
Medical Appeals Analyst, CMC



State of California

Department of Corrections and Rehabilitation

California Men's Colony

## MEMORANDUM

APPEAL RESPONSE LEVEL : SECOND LEVEL  
Date : Wednesday, August 29, 2007  
To : STEPHEN, Jimmie  
CDC# : C56483  
APPEAL LOG # : CMC-E-07-01748  
ISSUE APPEALED : DENTAL

## INTERVIEW:

You were interviewed by a panel of three dentists on 08/23/07, regarding this appeal.

## PROBLEM / DESCRIPTION:

STEPHEN, Jimmie C56483: In your written appeal signed 07/23/07, you state you would like your teeth fixed in a timely manner and partials made.

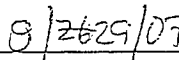
## RESPONSE:

Your Unit Health Record (UHR) was reviewed and you were interviewed by a panel of three dentists, regarding this appeal. The panel found that you were seen by triage on 05/08/07 and categorized as a priority #2 patient. At your triage appointment on 05/08/07, you had requested partials and your teeth to be repaired. On 06/13/07, you were triaged for a new and separate dental issue which was resolved via treatment on 06/19/07. According to your UHR you have been properly categorized as a priority #2 patient and you have been receiving treatment in a timely manner, you will continue to be provided dental care as a priority #2 patient.

APPEAL DECISION: PARTIALLY GRANTED



R. Meyers, MD  
Health Care Manager



Date

MEMORANDUM

APPEAL RESPONSE LEVEL : SECOND LEVEL  
Date : December 14, 2007  
To : STEPHENS, JIMMIE  
CDC# : C56483  
APPEAL LOG # : CMC-E-07-02884  
ISSUE APPEALED : DENTAL  
INTERVIEW:

You were interviewed on December 13, 2007, by a panel of three dentists, regarding this appeal.

PROBLEM / DESCRIPTION:

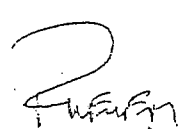
Stephens, Jimmie C-56483: In your written appeal signed November 28, 2007, you state that you were willfully denied, deprived "right to eat" on right side of mouth based upon refusal to allow "partials" etc. "braces, implants". You are unable to chew food properly based upon lack of teeth. You are requesting partials, braces, crowns, composite fillings, cleaning, preventative care, medications, and upper and lower partials.

RESPONSE:

Your Unit Health Record (UHR) was reviewed and you were interviewed by a panel of dentists regarding this appeal. On May 8, 2007 you were triaged for an examination and given a Dental Priority Classification 2 (DPC2). On June 13, 2007 you were triaged as needing a stainless steel crown on tooth #18. On June 19, 2007 you received a stainless steel crown on tooth #18. On August 23, 2007 you were interviewed in regards to an appeal, and then you were seen on December 4, 2007 for the same reason, in which you complained that you had not been seen yet. You also refused your triage evaluation. While reviewing your appeal the dentists used the applicable Policy & Procedures along with your UHR to consider your complaint. It has been determined that you were correctly screened by the dentist and that you were given a higher priority classification than was required while demonstrating care and concern for your welfare. Inmates are treated according to their Dental Priority Classification and in chronological order.

You have been scheduled for an examination to determine your overall dental needs. You are on the appropriate priority list and will be seen in chronological order according to your Dental Priority Classification. If your dental issue changes, (i.e. severe pain, infection) you should contact the Dental Clinic by filling out a CDC 7362 Health Care Services Request Form via the triage nurse in your yard.

APPEAL DECISION: PARTIALLY GRANTED

  
\_\_\_\_\_  
R. Meyers, MD  
Health Care Manager

12/17/07  
\_\_\_\_\_  
Date

## REFUSAL OF EXAMINATION AND / OR TREATMENT

PATIENT NAME (TYPE OR PRINT CLEARLY)

CDC NUMBER

INSTITUTION

Stephen

C. 56483

Cmc-E

Having been fully informed of the risks and possible consequences involved in refusal of the examination and/or treatment in the manner and time prescribed for me, I nevertheless refuse to accept such examination and/or treatment. I agree to hold the Department of Corrections, the staff of the medical department and the institution free of any responsibility for injury or complications that may result from my refusal of this examination and/or treatment, specifically:

Describe the examination and/or treatment refused as well as the risks and benefit of the intervention:

Pt. Refuses 1130 Dental Image Recast.  
 Pt knows he is on Dr. Hoxies list for  
 partials and knows he needs to wait his  
 turn.

PATIENT SIGNATURE

DATE

☐ PATIENT REFUSES TO SIGN

DATE

NAME OF WITNESS (PRINT/TYPE)

Hoxie, B. DDS

NAME OF WITNESS (PRINT/TYPE)

G. MacDonald

WITNESS SIGNATURE

California Men's Colony

DATE

WITNESS SIGNATURE

DATE

12/4/07

REFUSAL OF EXAMINATION AND / OR TREATMENT

CDC NUMBER, NAME (LAST, FIRST, MI) AND DATE OF BIRTH

Stephen  
 C. 56483

12

STATE OF CALIFORNIA  
 SUPPLEMENTAL TO DENTAL PROGRESS NOTES  
 CDCR 237-C-1 (Rev. 04/06)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 1 of 2

Prior to each treatment, the Dentist *must* review the inmate-patient's health history, note changes or specify no change, and use S.O.A.P.E. format when applicable.

DATE OF ACTION (month/day/year)	TOOTH NUMBER	PROGRESS NOTES (include signature at the end of each data entry)	PRIORITY AFTER VISIT	PRISON LOCATION (ACRONYM)
6 13 07	602	E: discussed w/PT new priority system. NV: #18 SSC. <i>[Signature]</i> Hoxie, B. DDS California Men's Colony	2	CMCE
6 19 07	18 0700	S: No changes O/A: #18 diag for SSC. P: 3 layer 2 1/2 thick 1:100,000 Prepped #18 + cement SSC w/ Ketac cement. NV: Exam (DPII-504) <i>[Signature]</i> Hoxie, B. DDS California Men's Colony	2	CMCE
8/23/07	602	appeal Murphy, M., DDS California Men's Colony Carvalho, D., DDS J. Bond DM California Men's Colony	2	CMCE
12 4 07	Triage 1300	S: no change. PT complaining because he has not been treated. O/A/P: PT is on DPZ list and is informed. E: EECA. NV: Exam <i>[Signature]</i> Hoxie, B. DDS California Men's Colony	2	CMCE

DRUG ALLERGIES?

☒ NO☐ YES

SUPPLEMENT TO DENTAL PROGRESS  
 NOTES

NAME (LAST, FIRST, MI), CDCR NUMBER, AND DATE OF BIRTH

Stephen  
 C56483

13

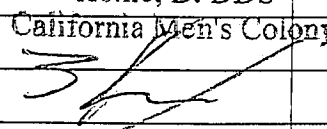
41

STATE OF CALIFORNIA  
**SUPPLEMENTAL TO DENTAL PROGRESS NOTES**  
 CDCR 237-C-1 (Rev. 04/06)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 1 of 2

Prior to each treatment, the Dentist *must* review the inmate-patient's health history, note changes or specify no change, and use S.O.A.P.E. format when applicable.

DATE OF ACTION (month/day/year)			TOOTH NUMBER	PROGRESS NOTES (include signature at the end of each data entry)	PRIORITY AFTER VISIT	PRISON LOCATION (ACRONYM)
5	8	07	Triage 1430	S: PT requesting Exam for Tx + particles. O: PT missing mult teeth. RMH: HBP, Poor OHC. Pano. A/P: Recat for exam and Tx. E: Recommend TP for sens teeth to reduce root hypersensitivity. NV: Exam. <div style="text-align: right;">Hoxie, B. DDS            California Men's Colony  </div>	2	CMC
6	13	07	Triage 0915	S: LL broken molar. Sens when eating hot not lingering. O: #18 has broken DB (KAP). No caries detected. Cold test +. PA shows no obvious apical pathology. A: #18 is vital and needs SSC. P: NV: #18 SSC.		

DRUG ALLERGIES?

☒ NO☐ YES

**SUPPLEMENT TO DENTAL PROGRESS  
 NOTES**

NAME (LAST, FIRST, MI), CDCR NUMBER, AND DATE OF BIRTH

Stephen

C 56483

14

42



STATE OF CALIFORNIA

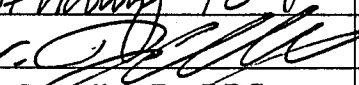
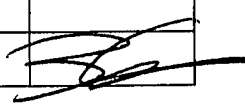
## SUPPLEMENTAL TO DENTAL PROGRESS NOTES

CDCR 237-C-1 (Rev. 04/06)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 1 of 2

Prior to each treatment, the Dentist *must* review the inmate-patient's health history, note changes or specify no change, and use S.O.A.P.E. format when applicable.

DATE OF ACTION (month/day/year)	TOOTH NUMBER	PROGRESS NOTES (include signature at the end of each data entry)	PRIORITY AFTER VISIT	PRISON LOCATION (ACRONYM)
12/13/07		Appeals panel in interview regarding wanting care & not having to wait any longer.  Carvalho, D., DDS California Men's Colony		
1 4 08	Triage 0700	S: PT sent in 7363 requesting dental TX. PT was 30 min late for direct O: PT has sent multiple requests as records show. PT has been properly triaged. PT has had 602 appeal answered. PT has been info of DF system. PT is info we are short of staff and are doing the best we can. PT info he is on DPC 2 list. A: PT does not want to wait for his DPC 2 tx. PT wants his TX NOW even though he has been info of what we can provide for him under present conditions 		

DRUG ALLERGIES?

☒ NO☐ YES

SUPPLEMENT TO DENTAL PROGRESS  
NOTES

NAME (LAST, FIRST, MI), CDCR NUMBER, AND DATE OF BIRTH

STEPHEN

C56483

Prior to each treatment, the Dentist *must* review the inmate-patient's health history, note changes or specify no change, and use S.O.A.P.E. format when applicable.

DATE OF ACTION (month/day/year)			TOOTH NUMBER	PROGRESS NOTES (include signature at the end of each data entry)	PRIORITY AFTER VISIT	PRISON LOCATION (ACRONYM)
1	4	08	Cont.	<p>P: PT is on DPC-2 list and will be TX <del>on</del> since BH as we are able to accommodate DPC 2 patients. PT stated "You wake me up for a 0630 dentist to tell me that, I'm going to get the Prison Rev Office down here."</p> <p>E: I have communicated as clearly as I can with patient. If he cont. to submit 7302s for same request, I will resort to administrative <del>non-response</del>.</p> <p>NV: <i>[Signature]</i>  Hoxie, B. DDS  California Men's Colony</p>	2	CMCE

DRUG ALLERGIES?

☒ NO ☐ YES

SUPPLEMENT TO DENTAL PROGRESS  
NOTES

NAME (LAST, FIRST, MI), CDCR NUMBER, AND DATE OF BIRTH

Stephen  
C56483

15

4CP

## PART I: TO BE COMPLETED BY THE PATIENT

A fee of \$5.00 may be charged to your trust account for each health care visit.

If you believe this is an urgent/emergent health care need, contact the correctional officer on duty.

REQUEST FOR: MEDICAL ☐ MENTAL HEALTH ☐ DENTAL ☒ MEDICATION REFILL ☐

NAME

Jimmie Stephen

CDC NUMBER

C56483

HOUSING

A-1149

PATIENT SIGNATURE

Jimmie Stephen

DATE

12-30-07

REASON YOU ARE REQUESTING HEALTH CARE SERVICES. (Describe Your Health Problem And How Long You Have Had The Problem)

(1) Dental front tooth (A167), DISLOCATION, LOOSE  
out of place, IMPEDES PEOPLE EATING, ETC.,  
(2) PARTIALS OVER 120 DAYS SINCE REQUEST  
(3) Any Relief.

NOTE: IF THE PATIENT IS UNABLE TO COMPLETE THE FORM, A HEALTH CARE STAFF MEMBER SHALL COMPLETE THE FORM ON BEHALF OF THE PATIENT AND DATE AND SIGN THE FORM

## PART III: TO BE COMPLETED AFTER PATIENT'S APPOINTMENT

☐ Visit is not exempt from \$5.00 copayment. (Send pink copy to Inmate Trust Office.)

## PART II: TO BE COMPLETED BY THE TRIAGE REGISTERED NURSE

Date / Time Received:

12/30/07

Received by:

Date / Time Reviewed by RN:

K. Campbell

Reviewed by:

K. Campbell RN

S:

Pain Scale: 1 2 3 4 5 6 7 8 9 10

O: T: P: R: BP: WEIGHT:

A:

P:

☐ See Nursing Encounter Form

12-31-07A09:51 RCVD

Triage (2) BT

E:

NU: 4 from for partials

01-04-08 07:27 OUT

APPOINTMENT

SCHEDULED AS:

EMERGENCY

(IMMEDIATELY) ☐

URGENT

(WITHIN 24 HOURS) ☐

ROUTINE

(WITHIN 14 CALENDAR DAYS) ☐

REFERRED TO PCP:

DATE OF APPOINTMENT:

COMPLETED BY:

NAME OF INSTITUTION

UNIT / STAMP NAME

SIGNATURE / TITLE

DATE/TIME COMPLETED





## HEALTH CARE SERVICES REQUEST FORM

## PART I: TO BE COMPLETED BY THE PATIENT

A fee of \$5.00 may be charged to your trust account for each health care visit.

If you believe this is an urgent/emergent health care need, contact the correctional officer on duty.

REQUEST FOR: MEDICAL ☐ MENTAL HEALTH ☐ DENTAL ☒ MEDICATION REFILL ☐NAME Timmie Steffen CDC NUMBER C56483 HOUSING A-1149PATIENT SIGNATURE Timmie Steffen DATE 6-8-07

REASON YOU ARE REQUESTING HEALTH CARE SERVICES: (Describe Your Health Problem And How Long You Have Had The Problem)

Request for Emergency Dental  
Urgent Priority # - for 5th Dental Nov 22

NOTE: IF THE PATIENT IS UNABLE TO COMPLETE THE FORM, A HEALTH CARE STAFF MEMBER SHALL COMPLETE THE FORM ON BEHALF OF THE PATIENT AND DATE AND SIGN THE FORM

## PART III: TO BE COMPLETED AFTER PATIENT'S APPOINTMENT

☐ Visit is not exempt from \$5.00 copayment. (Send pink copy to Inmate Trust Office.)

## PART II: TO BE COMPLETED BY THE TRIAGE REGISTERED NURSE

Date / Time Received: 6/9/07 1000 Received by: [Signature]  
Date / Time Reviewed by RN: 6/9/07 1040 Reviewed by: [Signature]  
S: Pain Scale: 1 2 3 4 5 6 7 8 9 1006-11-07 42 RCVD KEBH-1

O: T: P: R: BP: WEIGHT:

Triage 02 BH

06-11-07 00:25 OUT

NV #18 SSC

A:

P:

☐ See Nursing Encounter Form

E:

APPOINTMENT SCHEDULED AS: EMERGENCY (IMMEDIATELY) ☐ URGENT (WITHIN 24 HOURS) ☐ ROUTINE (WITHIN 14 CALENDAR DAYS) ☐

REFERRED TO PCP: DATE OF APPOINTMENT:

COMPLETED BY: NAME OF INSTITUTION:

PRINT / STAMP NAME Hoxie, B. DDS SIGNATURE / TITLE: DATE/TIME COMPLETED:California Men's ColonyHoxie47



## HEALTH CARE SERVICES REQUEST FORM

## PART I: TO BE COMPLETED BY THE PATIENT

A fee of \$5.00 may be charged to your trust account for each health care visit.

If you believe this is an urgent/emergent health care need, contact the correctional officer on duty.

REQUEST FOR: MEDICAL ☐ MENTAL HEALTH ☐ DENTAL ☒ MEDICATION REFILL ☐

NAME JIMMIE STEPHEN CDC NUMBER C56483 HOUSING A-1119-X

PATIENT SIGNATURE [Signature] DATE 4-2-07

REASON YOU ARE REQUESTING HEALTH CARE SERVICES. (Describe Your Health Problem And How Long You Have Had The Problem)

① Request for ongoing "PARTIALS"  
NEEDED "tooth repairs" Ect.

NOTE: IF THE PATIENT IS UNABLE TO COMPLETE THE FORM, A HEALTH CARE STAFF MEMBER SHALL COMPLETE THE FORM ON BEHALF OF THE PATIENT AND DATE AND SIGN THE FORM

## PART III: TO BE COMPLETED AFTER PATIENT'S APPOINTMENT

☐ Visit is not exempt from \$5.00 copayment. (Send pink copy to Inmate Trust Office.)

## PART II: TO BE COMPLETED BY THE TRIAGE REGISTERED NURSE

Date / Time Received: Received by:

Date / Time Reviewed by RN: Reviewed by:

S: Pain Scale: 1 2 3 4 5 6 7 8 9 10

04-03-07A08:05 RCVD

Myers, C., DDS  
California Men's Colony

O: T: P: R: BP: WEIGHT:

See progress notes 5/8/07

A: Hoxie, B. DDS

P: California Men's Colony

☐ See Nursing Encounter Form

05-08-07 P03:05 001

E:

APPOINTMENT SCHEDULED AS: EMERGENCY (IMMEDIATELY) ☐ URGENT (WITHIN 24 HOURS) ☐ ROUTINE (WITHIN 14 CALENDAR DAYS) ☐

REFERRED TO PCP: DATE OF APPOINTMENT:

COMPLETED BY: NAME OF INSTITUTION

PRINT/STAMP NAME SIGNATURE / TITLE DATE/TIME COMPLETED

HOXIE

48

Dental Services		Division of Correctional Health Care Services
DENTAL TREATMENT PRIORITIES		
PRIORITY LEVEL	DESCRIPTION OF NEED	ELIGIBILITY**
Emergency Care: Immediate Treatment	Inmates requiring treatment of an acute oral or maxillo-facial condition, which is likely to remain acute, worsen, or become life threatening without immediate intervention.	All inmates are eligible for Emergency Care regardless of length of incarceration or oral health self-care.
Priority 1A – 1C Urgent Care:		All inmates are eligible for Priority 1 Care regardless of length of incarceration or oral health self-care.
1A: Treatment within 24 hours.	Inmates with a dental condition of sudden onset or in severe pain, which prevents them from carrying out essential activities of daily living.	
1B: Treatment within 30 days.	Inmates requiring treatment for a sub-acute hard or soft tissue condition that is likely to become acute without early intervention.	
1C: Treatment within 60 days.	Inmates requiring early treatment for any unusual hard or soft tissue pathology, (e.g., acute ulcerative necrotizing gingivitis, severe localized or generalized periodontitis).	
Priority 2 Interceptive Care: Treatment within 120 days.	Advanced caries or advanced periodontal pathology requiring the use of intermediate therapeutic or palliative agents or restorative materials, mechanical debridement, or surgical intervention. Edentulous or essentially edentulous, or with no posterior teeth in occlusion. Moderate or Advanced Periodontitis requiring non-surgical deep scaling and Root Planning procedures. (see Chapter 2.4 <i>Periodontal Disease Program</i> ). Chronically symptomatic impacted tooth requiring removal or specialty referral; surgical procedures for the elimination of pathology; or restoration of essential physiologic relationships.	Inmates must have over 6 months remaining to serve on their sentence within a CDCR institution and are eligible for Priority 2 Care regardless of oral health self-care.
Priority 3 Routine Rehabilitative Care: Treatment within one year.	An insufficient number of posterior teeth to masticate a regular diet (seven or fewer occluding natural or artificial teeth), requiring a maxillary and/or mandibular partial denture; one or more missing anterior teeth resulting in the loss of anterior dental arch integrity, requiring a transitional anterior partial denture. Carious or fractured dentition requiring restoration with definitive restorative materials or transitional crowns. Gingivitis or Mild Periodontitis requiring routine prophylaxis. Definitive root canal treatment for non-vital, anterior teeth, which are restorable with available restorative materials. The inmate's overall dentition must fit the criteria in Chapter 2.9 <i>Endodontics</i> . Non-vital, non-restorable erupted teeth requiring extraction.	Inmates must have over 12 months remaining to serve on their sentence within a CDCR institution and must meet oral health self-care requirements as specified in Chapter 2.13 <i>Facility Level Dental Health Orientation/ Self-Care</i> .
Priority 4: No Dental Care Needed	Inmates not appropriate for inclusion in Priority 1, 2, 3, or 5.	
Priority 5: Special Needs Care	Inmates with special needs (see Chapter 4.5, <i>Dental Authorization Review Committee</i> for methods of recommending treatment).	All inmates with special needs are eligible for Priority 5 Care regardless of length of incarceration or oral health self-care.

\* Treatment to be provided within the specified timeframe, from the time of completion of the dental triage.

\*\* Eligibility determined by length of incarceration and level of oral self care.



# Memorandum

Date : August 15, 2007

To : All Concerned

Subject : UNIVERSAL PRECAUTIONS

Recently there has been a larger than normal number of inmates who have reported to the East Medical Clinic reporting to be suffering from flu-like symptoms. These inmates complaining that they were vomiting and experiencing diarrhea. Cultures taken from the affected inmates have been analyzed and indicated they had norovirus. In most cases, norovirus causes vomiting and/or diarrhea for one to three days, but is not dangerous to otherwise healthy individuals.

As a result of the increase number of inmates suffering from these symptoms we have made the decision to proactively address this issue and take the following precautions to limit the number of inmates exposed to this virus.

- Inmates exhibiting these symptoms will be quarantined in their cells, until cleared by our medical staff to integrate with the population
- Those inmates with more severe symptoms, but not requiring hospitalization, will be rehoused in the Building Seven Intake Unit where they can be provided with nursing coverage.
- There will be no non-emergency bed moves or inmate movement between West Facility and East Facility.

The most important thing you can do to avoid infection with norovirus or any other communicable illness is to diligently practice universal precautions, including the following:

- Wash your hands often



Especially after using the toilet  
Before eating or putting anything in your mouth

- Carefully wash any fruit or food item before eating it
- Thoroughly clean and disinfect contaminated surfaces immediately after an episode of illness by using a suitable cleaner
- Ensure that contaminated clothing and linens are removed from the cell and sent to the laundry for proper cleaning
- Flush or discard any vomit and/or stool in the toilet and make sure that the surrounding area is kept clean

  
JOHN MARSHALL  
Warden  
California Men's Colony

## INMATE/PAROLEE

Location: Institution/Parole Region

Log No.

Category

## APPEAL FORM

CDC 602 (12/87)

1.

1.

2.

2.

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
JIMMIE STEPHEN	C56483	AD-SEG	6-227-1

A. Describe Problem: THERE IS AN ONGOING PRACTICE, CUSTOM, POLICY, TO DENY, DEPRIVE OF EFFECTIVE DENTAL TREATMENT HERE AT PT DONOVAN AS ON 11-30-06 DR LEE A KNOWN INFERIOR DENTIST WHOM IN PAST RECOMMENDED "EXTRACTION" OF FRONT TEETH THE SAME AS DID IN PAST IN 2003 ON BOTTOM FRONT 4 TEETH. WHEN LOOSE SAME AS MY #7 TOOTH AND MY #9 WAS INTURED IN 1970 WHO USES THIS TO COVER-UP FACTS FOR "DENTAL TREATMENTS" ECT. WHEN

If you need more space, attach one additional sheet.

B. Action Requested: CAVITY AT GUMLINE NOW TEETH ARE STRONG  
① "INVESTIGATION" INTO "RECKLESS DISREGARD" AND "DELIBERATE INDIFFERENCE" OF "DENTIST LEE" AS WELL AS HIRING PRACTICES OF THESE INFERIOR PERSONNEL.  
② "ROOT CANAL" CAVITY CHECK, BELOW GUMLINE. 22

Inmate/Parolee Signature: Jimmie StephenDate Submitted: 11-30-06

C. INFORMAL LEVEL (Date Received: 12-15-06), Partially Granted

Staff Response: Dr. Antognini Chief Dental Officer interviewed Inmate Stephen C-56483 on 02/09/07. Inmate Stephen must complete a full mouth exam before he can obtain partial dentures.

All non-restorable teeth must be removed prior to making a partial denture. Please see CDCR 742B Full and Partial Denture Agreement

Staff Signature: meantillo

RDA

Date Returned to Inmate: 02/09/07

## D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Note: Property/Funds appeals must be accompanied by a completed

CDC Appeal Number: \_\_\_\_\_

Board of Control form BC-1E, Inmate Claim

20

82 51

Exhibit 4

As CDCR Has Pattern of Denial of  
Serious Medical or Trauma Date for  
Serious Injury Since "I Hate a Remind"  
of 11-95 and Prior.

Pattern)

As at 5-1-05 Plaintiff tested Positive  
at Donor for "Tuberculosis"



FILED

JAN 11 1995

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

JIMMIE EARL STEPHEN,	)	No. 94-56041
	)	
Plaintiff-Appellant,	)	D.C. No. CV-94-932-JNK
	)	
v.	)	
	)	
K. W. PRUNTY, Chief Deputy Warden,	)	MEMORANDUM*
et al.,	)	
Defendants-Appellees.	)	
	)	

Appeal from the United States District Court  
for the Southern District of California  
Judith N. Keep, Chief Judge, Presiding

Submitted December 19, 1994\*\*

Before: SNEED, D.W. NELSON, and TROTT, Circuit Judges.

Jimmie Stephen, a California state prisoner, appeals pro se the district court's order dismissing on res judicata grounds his 42 U.S.C. § 1983 action alleging medical indifference to serious medical needs. We have jurisdiction under 28 U.S.C. § 1291, and we vacate and remand.

In his complaint, Stephen alleged that prison officials and medical staff deprived him of "any and all medical necessities of life by their wrongdoings as to their actions from 3-3-94 and ongoing." The district court dismissed the complaint on res

\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. Fed. R. App. P. 34(a); 9th Cir. R. 34-4.

judicata grounds, finding that the complaint raised issues that had been litigated and decided in a prior action.

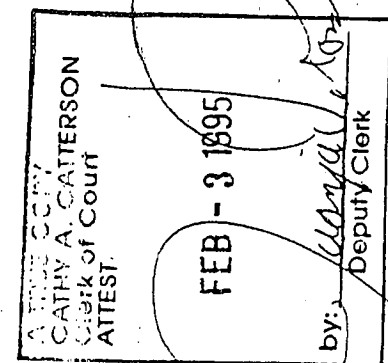
We review de novo the district court's dismissal on res judicata grounds. See Palomar Mobilehome Park Ass'n v. City of San Marcos, 989 F.2d 362, 363 (9th Cir. 1993).

Under the doctrine of res judicata, a final judgment on the merits prevents a plaintiff from relitigating claims that were or could have been litigated in the prior actions. See Nevada v. United States, 463 U.S. 110, 129-30 (1983); Western Systems Inc. v. Ulloa, 958 F.2d 864, 871 (9th Cir. 1992), cert. denied, 113 S. Ct. 970 (1993). The plaintiff also is barred from relitigating issues of law or fact that were actually litigated and necessarily decided in the prior action, whether on the same claim or a different claim. See Duncan v. United States (In re Duncan), 713 F.2d 538, 541 (9th Cir. 1983).

Here, we disagree with the district court that Stephen's complaint raised issues that had been litigated in his previous section 1983 action. Stephen's prior action alleged that prison officials at Calipatria state prison had been deliberately indifferent to his serious medical needs between 1992 and 1993 because they failed to prescribe him specific medications or otherwise failed to properly diagnose and treat his sinus problem. In the present action, Stephen alleges that prison officials at Calipatria state prison have denied him "any and all" medical care since March 1994 in retaliation for Stephen's previous lawsuits against prison officials. Because Stephen's claims in this action involve injuries and wrongs that allegedly occurred subsequent to

the injuries involved in his prior action, the district court erred by dismissing Stephen's action on res judicata grounds. See id.<sup>1/</sup>

VACATED and REMANDED.



<sup>1/</sup> We deny Stephen's motion to consolidate this case with Appeal Nos. 94-55626 and 94-55655.

IE and NUMBER

CDC NUMBER:

C56483

CDC-128-C<sup>CDC-128-C</sup>

STEPHEN, JIMMIE

R.J. Donovan Correctional Facility

F31300000000105U

## ANNUAL TB CHRONO

## TB SKIN TESTING

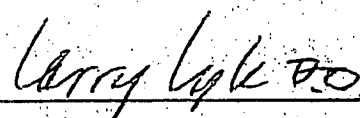
## DISTRIBUTION

CENTRAL FILE: ☐MEDICAL FILE: ☒INMATE: ☒

INMATE TB ALERT CODE

21

05-04-2005

  
L.N. LYLE, D.O., M.S., DIRECTOR, PUBLIC HEALTH @ RJDCF

MEDICAL—PSYCHIATRIC—DENTAL

56

A

20

E and NUMBER

CDC-128-C

C56483

STEPHEN, JIMMIE

R.J. Donovan Correctional Facility  
F31300000000105U

TB CHRONO

TB SKIN TESTING/EVALUATION

DISTRIBUTION

CENTRAL FILE: ☐  
MEDICAL RECORD: ☐  
INMATE: ☒

INMATE TB ALERT CODE 33

05-17-2005

*Carry Lyle*

L.N. LYLE, D.O., M.S., DIRECTOR, PUBLIC HEALTH @ RJDCF  
MEDICAL—PSYCHIATRIC—DENTAL

57

25  
3



EXHIBIT #5

CODY at REPORT of 9-29-06 at BEING ASSAULTED  
in LAW LIBRARY LEGAL DOCUMENTS WILLFULLY  
DESTROYED OVER "200 PAGES" at DONOVAN..

PATTERSON

FROM 5-1-05 OVER "80 LEGAL LETTERS" WITHHELD  
AT DONOVAN UP TO "139 DMS" WILLFULLY

EXHIBIT 1

DATE: December 13, 2006

NAME: STEPHEN

CDC #: C-56483

APPEAL LOG #: RJD-2-06-01311

APPEAL DECISION: PARTIALLY GRANTED

**FIRST LEVEL REVIEW**

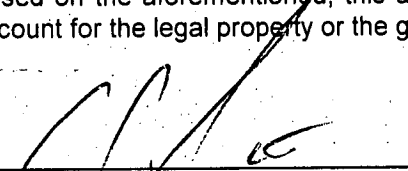
**APPEAL ISSUES:** You allege that on September 29, 2006, while at the Central Library, you were seated at a desk, when a group of correctional officers entered the library and without any provocation attacked you. You identified the officers as I. Bravo, C. Lira, M. McCurty and Sergeant Armenta. You also said as a result of this incident you lost your legal property and prescription glasses.

**APPEAL RESPONSE:** In reaching a decision on this issue, a thorough review of your appeal has been conducted. The applicable sections of the California Code of Regulations (CCR), Title 15, the Department Operations Manual, Lieutenant Munoz' video interview of your allegations of inappropriate use of force, (CDCR 3014) and Lieutenant Woods' Crime/Incident Report (CDCR 837) to include Incident Commander's Review/Critique Use of Force # RJD-CEN-06-09-0592.

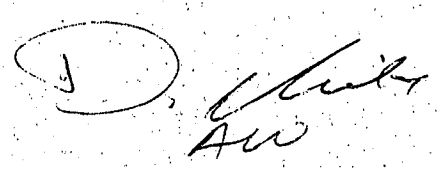
On Monday December 11, 2006, Correctional Lieutenant G. Savala interviewed you regarding your appeal issues. During your interview, you allege that on September 29, 2006, while at the Central Library, you were seated at a desk, when a group of Correctional Officers entered the Library and without any provocation attacked you. You identified the Officers as I. Bravo, C. Lira, M. McCurty and Sergeant Armenta. You also said as a result of this incident you lost your legal property and prescription glasses. Your only request was that you be awarded damages, which was clarified with you by myself, Lieutenant Savala, to mean money.

Officers Lira, McCurty, Bravo, Sergeant Armenta, Inmate Prince V-80747, and Ms. Simon, the Central Librarian, were interviewed. Lieutenant Munoz' video interview of your allegations of inappropriate use of force, (CDCR 3014) and Lieutenant Woods' Crime/Incident Report (CDCR 837) to include the Incident Commander's Review/Critique Use of Force # RJD-CEN-06-09-0592, were thoroughly reviewed. The information gathered from all these resources indicates you battered Ms Simon, the Central Librarian, when she attempted to retrieve a document as you were attempting to forge your name as the recipient of a "CERTIFICATE OF ACHIEVEMENT" for "Legal Assistant/Paralegal Civil & Criminal Law." She activated her personal alarm, and responding staff arrived. You were still seated at a desk. Officer Bravo ordered you to stand up and turn around so that he could place handcuffs on you. You did not comply with the legal order given to you. Instead, you reached into a box causing Officer Bravo to fear for his safety. He responded by using physical force on you. Officer Palencia and Officer McCurty assisted Officer Bravo in overcoming your resistance, effecting custody, and gaining compliance with the lawful order. They used the minimal amount of force required, which is evident by the injuries you sustained; an abrasion to your shin, as noted on your CDCR 7219. Sergeant Armenta and Officer Lira arrived after the force had been used. Officer Lira's involvement in this incident consisted of him escorting you to the Treatment Triage Area.

Based on the aforementioned, this appeal is Partially Granted at the First Level of Review because I could not account for the legal property or the glasses you claimed you lost during this incident.

  
G. Savala  
Correctional Lieutenant

12-14-06  
DATE

  
12-22-06

61

UPRIOR COUNTY OF CALIFORNIA

ASSISTANT CLERK  
P.O. BOX 799003  
SAN DIEGO, CA 92179-0123

LEGAL RETURN SURVIVOR  
REQUEST

REC 12-28-05

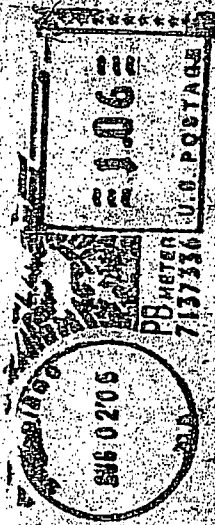
DATED 8-2-05

139 DAYS

LAWSUIT/SHEPHERD VS HELAL

Jimmie Stephen C#56483  
P. O. Box 799003  
San Diego, CA 92179-9003

LEGAL  
STEPHEN J. STELLAR  
RECEIVED 12-28-05  
DATED 8-2-05  
139 DAYS LATE  
NON  
(HERRING)  
ACCOUNT



62

X 35

QWED

Label upside  
DOWN  
WHITE  
Suppose  
to "BE" black  
"INK"  
to

14. 127 U-8-05  
Citizens Complaint

JIMMIE STEPHEN C56483  
2-7-238  
P.O. BOX 799002  
SAN DIEGO, CA 92179-9002

"SUPERIOR"  
Court told off  
Abel Suit  
Aug-85-Sep-85  
Minn  
Dated Aug 18  
Received  
Late 11-1-05  
11-19-05

63

62

~~36~~

Superior Court of California  
County of San Diego  
COUNTY COURTHOUSE  
220 WEST BROADWAY  
PO BOX 120128  
SAN DIEGO CA 92112-0128  
DEPARTMENT 64

*[Handwritten signature]*

RETURN SERVICE  
REQUESTED

RESORTED  
FIRST CLASS

JIMMIE STEPHEN  
C56483  
~~133~~  
P.O. BOX 799003  
SAN DIEGO, CA 92179-9003

*921-2172*

*LEGIM*  
*Dated 8-8-05*  
*Received 12-21-05*  
*133 DMS Lte*

FADP:EMA 92179

|||||



*64*

*37*



STATE OF CALIFORNIA  
 DEPARTMENT OF JUSTICE  
 OFFICE OF THE ATTORNEY GENERAL  
 110 WEST A STREET, SUITE 1100  
 P.O. BOX 85266  
 SAN DIEGO, CA 92186-5266

LEGAL  
 Dated 9-1-05  
 Received 12-21-05  
 110 Days Late

SAN DIEGO CA 92111

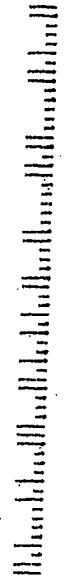
01 SEP 05 PM 9:11  
 SEP 05

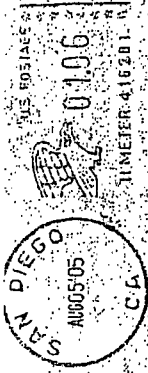
162-01272

Jimmie Stephen, CDC #C-56483  
 R. J. Donovan Correctional Facility at Rock Mountain  
 P.O. Box 799003  
 San Diego, CA 92179-9003

F2-6-2172

92179+9003-03 E001





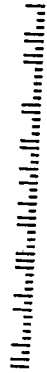
FIRST CLASS

DEPARTMENT OF JUSTICE  
Office of the Attorney General  
110 West "A" Street, Suite 1100  
San Diego, California 92101

70

A handwritten signature in black ink, appearing to read "Jimmie Stephen".

Jimmie Stephen, CDC #C-56483  
R. J. Donovan Correctional Facility at Rock  
Mountain  
P.O. Box 799003  
San Diego, CA 92179-9003



Officed from  
12-10-06  
135 Days Left  
Received 12-10-06

4260-1118A  
2712



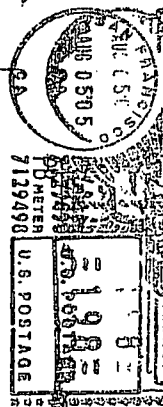
THE SUPREME COURT  
OF THE STATE OF CALIFORNIA  
350 MCALLISTER STREET  
SAN FRANCISCO, CA 94102-4797

LEANE

DATED 8-5-05

RECEIVED 12-21-05

136 Days Late



68

4 41

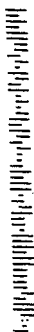
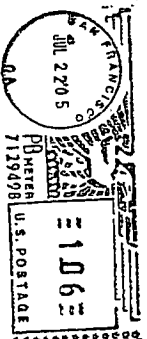
THE SUPREME COURT  
OF THE STATE OF CALIFORNIA  
350 MCALLISTER STREET  
SAN FRANCISCO, CA 94102-4797

Supreme Court of California  
Clerk of the Court  
350 McAllister Street  
San Francisco, CA 94102-4707

*Legue*  
*Received 10-27-05*  
*Dated 7-22-05*  
*96 D295*  
*LAKE*

S135222  
JIMMIE STEPHEN C-56483  
P. O. Box 799003  
Richard J. Donovan Correctional Facility  
480 Alta Road  
San Diego, CA 92179-9003

*14-1296*



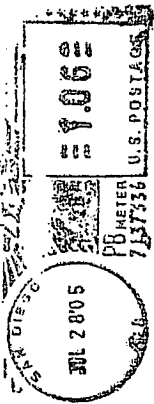
*67*

*42*



UPRIOR COURT OF  
SAN DIEGO, CA  
P.O. BOX 12125  
San Diego, CA 92112-0125

RETURN SERVICE  
REQUEST



Jennid Stephen  
C 56483  
P.O. Box 799003  
San Diego, CA 92179-9003

7-2384

"STEPHEN J. SHEAR"  
"LEGAL MAIL"  
Dated 7-28-05  
"60" Days Late  
RECEIVED 9-28-05

70

43



#  
EXHIBIT 6

ADPENT GRANTED AS TO PRISON LEGAL NEWS  
MAGAZINE WITHHELD. DESTROYED SINCE 6-1-07.  
AT CME SHOWING PATTERN).

EXHIBIT 2

## INMATE/PAROLEE

Location: Institution/Parole Region

Log No.

Category

## APPEAL FORM

CDC 602 (12/87)

1. \_\_\_\_\_ 1. \_\_\_\_\_

2. \_\_\_\_\_ 2. \_\_\_\_\_

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
JIMMIE STEPHEN	C56483	UA	A-1149

A. Describe Problem: ON OR ABOUT 10-1-07 I SENT VIA INSTITUTION MAIL ONE "LETTER TO CMC- MAILROOM" REQUESTING MY MD MAIL INFORMATION WHETHER RECEIVED MY "PRISON LEGAL NEWS" A SUBSCRIPTION NEWSLETTER. AS HAVEN'T SEEN SINCE JUNE 2007. AS PRISON LEGAL NEWS OF SEATTLE WASHINGTON STATE THEY ARE SENDING MY NEWSLETTER VIA U.S. MAIL. AS ACCESS TO COURT HINDERED BY THIS ACT OF CENSORSHIP.

If you need more space, attach one additional sheet. "BARRIS V SMITH" 430, U.S. 817 (1977)

B. Action Requested: ① Investigation into this matter as to my legal mail newsletter subscription.

Inmate/Parolee Signature: James Ayden Date Submitted: 10-10-07

C. INFORMAL LEVEL (Date Received: 10-17-07)

Staff Response: Granted, Several inmates are not receiving their prison legal news, we are working with the publisher to find the problem.

Staff Signature: McDaniel Date Returned to Inmate: 10-17-07

## D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:



73

SA

44



SEATTLE WA 981  
**Prison Legal News**  
2400 NW 80th St #148  
Seattle, WA 98117



34719 \*\* BLUE 6 \*\* EXPIRES:12/15/2007  
JIMMIE STEPHEN C56483  
CALIFORNIA MENS COLONY STATE PRISON  
PO Box 8101 A-1149  
SAN LUIS OBISPO, CALIFORNIA 93409-8101



Dear *PLN* Subscriber:

We received your inquiry about a missing issue(s) of *PLN*. We have determined the most likely problem to be the following:

- ☐ We did not receive your address change in time.
- ☐ We did not receive your renewal in time.
- ☐ We did not have your current correct address.
- ☐ The issue had not been mailed yet at the time of your inquiry.
- ☐ It takes 4-6 weeks to receive the first issue of a new subscription or for a change to reflect on your label.
- ☒ You should be getting your subscription. If you are a prisoner check with the prison mailroom.
- ☐ Your subscription was pro-rated. See pg 2 of *PLN* for rates.

Your subscription to *PLN* expires on the date indicated on the mailing label on this card. Please check this label and verify that this is your correct address, and inform us if it is not.

Make-up issues are \$2.50 each and are mailed first class.

74 60

\*

34



VERIFICATIONSTATE OF CALIFORNIA  
COUNTY OF SAN ~~DIEGO~~

LUIS OBANDO

(C.C.P. SEC. 446 &amp; 2015.5; 28 U.S.C. SEC. 1746)

CO-08-0749-Btm

~~CO-08-0749-Btm~~

I, JIMMIE STEPHEN DECLARE UNDER THE PENALTY OF PERJURY  
 THAT: I AM THE Declarant/Prisoner IN THE ABOVE ENTITLED ACTION;  
 I HAVE READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF AND THE SAME IS  
 TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO MATTERS STATED THEREIN UPON INFORMATION, AND  
 BELIEF, AND AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

EXECUTED THIS 19 DAY OF May 2008, AT R.J.D.  
 STATE PRISON, 480 Alta Road, San Diego, CA 92179

(SIGNATURE)

(DECLARANT/PRISONER)

PROOF OF SERVICE BY MAIL

(C.C.P. SEC. 1013 (a) &amp; 2015.5; 28 U.S.C. SEC. 1746)

I, Charles Cardir, AM A RESIDENT OF R.J.D. STATE PRISON, IN THE COUNTY  
 OF S.D. STATE OF CALIFORNIA; I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE AND AM AM  
 NOT A PARTY OF THE ABOVE-ENTITLED ACTION. MY STATE PRISON ADDRESS IS: P.O. Box  
8101 - San Luis Obispo Calif

ON 19 May 2008 I SERVED THE FOREGOING:

~~Attorney General~~Response to Order to  
Show Cause

(SET FORTH EXACT TITLE OF DOCUMENTS SERVED)

ON THE PARTY(S) HEREIN BY PLACING A TRUE COPY(S) THEREOF, ENCLOSED IN A SEALED ENVELOPE  
 (S), WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO  
 PROVIDED AT Richard J. Donovan Correctional Facility

① Attorney General  
 110 W. "A" St #1100  
 San Diego, Calif 92101

U.S. District Court

②

U.S. District Ct  
 880 Front St  
 San Diego, Calif 92101

THERE IS DELIVERY SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND THERE IS  
 REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO  
 ADDRESSED. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: 5-19-08

(DECLARANT/PRISONER)

Charles Cardir  
Charles Cardir 75